

Proposed Regulation Order REGULATION FOR REDUCING VOLATILE ORGANIC COMPOUND EMISSIONS FROM CONSUMER PRODUCTS

SUBCHAPTER 8.5 CONSUMER PRODUCTS

Amend title 17, California Code of Regulations, Sections 94508, 94509, 94510, 94512, 94513, and 94515 as follows:

Article 2. Consumer Products

94507. Applicability

Except as provided in Sections 94509~~(i)~~(j) and 94510, this article shall apply to any person who sells, supplies, offers for sale, or manufactures consumer products for use in the state of California.

NOTE: Authority cited: Sections 39600, 39601, and 41712, Health and Safety Code.
Reference: Sections 39002, 39600, 40000, and 41712, Health and Safety Code.

94508. Definitions

- (a) For the purpose of this article, the following definitions apply:
- ~~(1)~~ “Adhesive” means any product that is used to bond one surface to another by attachment. “Adhesive” does not include products used on humans and animals, adhesive tape, contact paper, wallpaper, shelf liners, or any other product with an adhesive incorporated onto or in an inert substrate. For “Contact Adhesive,” “Construction, Panel, and Floor Covering Adhesive,” and “General Purpose Adhesive” only, “adhesive” also does not include units of product, less packaging, which weigh more than one pound and consist of more than 16 fluid ounces. This limitation does not apply to aerosol adhesives.
- ~~(2)~~ ~~“Adhesive Remover” means a product designed exclusively for the removal of adhesives, caulk and other bonding materials from either a specific substrate or a variety of substrates.~~
- ~~(3)~~ “Aerosol Adhesive” means any adhesive packaged as an aerosol product in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment. Aerosol adhesives include special purpose spray adhesives, mist spray adhesives, and web spray adhesives.

- (-4) "Aerosol Cooking Spray" means any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.
- (-5) "Aerosol Product" means a pressurized spray system that dispenses product ingredients by means of a propellant contained in a product or product's container, or by means of a mechanically induced force. "Aerosol Product" does not include ~~pump sprays~~ "Pump Spray".
- (-6) "Agricultural Use" means the use of any pesticide or method or device for the control of pests in connection with the commercial production, storage or processing of any animal or plant crop. "Agricultural Use" does not include the sale or use of pesticides in properly labeled packages or containers which are intended for: (A) Home use, (B) Use in structural pest control, or (C) Industrial or Institutional use. For the purposes of this definition only:

"Home use" means use in a household or its immediate environment.

"Structural pest control" means a use requiring a license under Chapter 14 (commencing with Section 8500), Division 3, of the Business and Professions Code.

"Industrial use" means use for or in a manufacturing, mining, or chemical process or use in the operation of factories, processing plants, and similar sites.

"Institutional use" means use within the lines of, or on property necessary for the operation of buildings such as hospitals, schools, libraries, auditoriums, and office complexes.

- (-7) "Air Freshener" means any consumer product including, but not limited to, sprays, wicks, powders, and crystals, designed for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air. "Air Freshener" includes dual purpose air freshener/disinfectant products. "Air Freshener" does not include products that are used on the human body, or products that function primarily as cleaning products as indicated on a product label ~~or advertisement,~~ or products used in toilets or urinals.
- (-8) "All Other Carbon-Containing Compounds" means all other compounds which contain at least one carbon atom and are not a "Table B" or a "LVP-VOC."
- (-9) "All Other Forms" means all consumer product forms for which no form-specific VOC standard is specified. Unless specified otherwise by the applicable VOC standard, "all other forms" include, but are not limited to, solids, liquids, wicks, powders, crystals, and cloth or paper wipes (towelettes).

- (40) "Antimicrobial Hand or Body Cleaner or Soap" means a cleaner or soap which is designed to reduce the level of microorganisms on the skin through germicidal activity, and is regulated as an over-the-counter drug by the U.S. Food and Drug Administration. "Antimicrobial Hand or Body Cleaner or Soap" includes, but is not limited to, (A) antimicrobial hand or body washes/cleaners, (B) foodhandler hand washes, (C) healthcare personnel hand washes, (D) pre-operative skin preparations and (E) surgical scrubs. "Antimicrobial Hand or Body Cleaner or Soap" does not include prescription drug products, antiperspirants, "Astringent/Toner," deodorant, "Facial Cleaner or Soap," "General-use Hand or Body Cleaner or Soap," "Hand Dishwashing Detergent" (including antimicrobial), "Heavy-duty Hand Cleaner or Soap," "Medicated Astringent/Medicated Toner," and "Rubbing Alcohol."
- () "Anti-Static Product" means a product that is labeled to eliminate, prevent, or inhibit the accumulation of static electricity. "Anti-Static Product" does not include "Electronic Cleaner," "Floor Polish or Wax," "Floor Coating," and products that meet the definition of aerosol coating or architectural coating.
- (41) "Architectural Coating" means a coating applied to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs.
- (42) "ASTM" means the American Society for Testing and Materials.
- (43) "Astringent/Toner" means any product not regulated as a drug by the United States Food and Drug Administration (FDA) which is applied to the skin for the purpose of cleaning or tightening pores. This category also includes clarifiers and substrate-impregnated products. This category does not include any hand, face, or body cleaner or soap product, "Medicated Astringent/Medicated Toner", "Personal Fragrance Product", cold cream, lotion, or antiperspirant.
- (44) "Automotive Brake Cleaner" means a cleaning product designed to remove oil, grease, brake fluid, brake pad material or dirt from motor vehicle brake mechanisms.
- (45) "Automotive Hard Paste Wax" means an automotive wax or polish which is: (A) designed to protect and improve the appearance of automotive paint surfaces; and (B) a solid at room temperature; and (C) contains 0% water by formulation.
- (46) "Automotive Instant Detailer" means a product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.
- (47) "Automotive Rubbing or Polishing Compound" means a product designed primarily to remove oxidation, old paint, scratches or "swirl marks", and other

defects from the painted surfaces of motor vehicles without leaving a protective barrier.

(18) “Automotive Wax, Polish, Sealant or Glaze” means a product designed to seal out moisture, increase gloss, or otherwise enhance a motor vehicle’s painted surfaces. “Automotive Wax, Polish, Sealant or Glaze” includes, but is not limited to, products designed for use in autobody repair shops and “drive-through” car washes, as well as products designed for the general public. “Automotive Wax, Polish, Sealant or Glaze” does not include “Automotive Rubbing or Polishing Compounds”, automotive wash and wax products, surfactant-containing car wash products, and products designed for use on unpainted surfaces such as bare metal, chrome, glass, or plastic.

(19) “Automotive Windshield Washer Fluid (Dilutable)” means any liquid which meets the following criteria:

- (A) the product is sold either in a container with a capacity of 55 gallons or more, or a container with a capacity of one quart or less; and
- (B) the product is designed for use in a motor vehicle windshield washer fluid system either as an anti-freeze or for the purpose of cleaning, washing, bug removal, or wetting the windshield(s).

“Automotive Windshield Washer Fluid (Dilutable)” does not include any fluid which is placed in a new motor vehicle at the time the vehicle is manufactured.

(20) “Automotive Windshield Washer Fluid (Pre-Mixed)” means any liquid which meets the following criteria:

- (A) the product is sold in a container with a capacity that is greater than one quart, but less than 55 gallons; and
- (B) the product is designed for use in a motor vehicle windshield washer fluid system as an anti-freeze or for the purpose of cleaning, washing, bug removal, or wetting the windshield(s).

“Automotive Windshield Washer Fluid (Pre-Mixed)” does not include any fluid which is placed in a new motor vehicle at the time the vehicle is manufactured.

(21) “Bathroom and Tile Cleaner” means a product designed to clean tile or surfaces in bathrooms. “Bathroom and Tile Cleaner” does not include products ~~specifically~~ designed solely to clean toilet bowls, ~~or~~ toilet tanks, and/or urinals.

(22) “Bug and Tar Remover” means a product ~~designed~~ labeled to remove either or both of the following ~~from painted motor vehicle surfaces~~ without causing damage to the ~~finish~~ substrate: (A) biological-type residues such as insect carcasses and tree sap and/or, (B) ~~road grime, such as road tar, roadway paint markings,~~ and asphalt.

- (23) "California Sales" means the sales (net pounds of product, less packaging and container, per year) in California for either the calendar year immediately prior to the year that the registration information required by the Executive Officer (required information) is due or, if ~~that those data is~~ are not available, any consecutive 12 month period commencing no earlier than 2 years prior to the due date of the registration required information. If direct sales data for California ~~is~~ are not available, sales may be estimated by prorating national or regional sales data by population.
- (24) "Carburetor or Fuel-Injection Air Intake Cleaners" means a product designed to remove fuel deposits, dirt, or other contaminants from a carburetor, choke, throttle body of a fuel-injection system, or associated linkages. "Carburetor or fuel-injection air intake cleaners" does not include products designed exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors.
- (25) "Carpet and Upholstery Cleaner" means a cleaning product designed for the purpose of eliminating dirt and stains on rugs, carpeting, and the interior of motor vehicles and/or on household furniture or objects upholstered or covered with fabrics such as wool, cotton, nylon or other synthetic fabrics. "Carpet and Upholstery Cleaner" includes, but is not limited to, products that make fabric protectant claims. "Carpet and Upholstery Cleaner" does not include "General Purpose Cleaners", "Spot Removers", vinyl or leather cleaners, dry cleaning fluids, or products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.
- (26) "Charcoal Lighter Material" means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition. "Charcoal Lighter Material" does not include any of the following: (A) electrical starters and probes, (B) metallic cylinders using paper tinder, (C) natural gas, (D) propane, and (E) fat wood.
- () "Chemically Cured Adhesive Remover" means a product labeled to remove chemically cured adhesives, glues, and sealants. "Chemically cured adhesives" include, but are not limited to, epoxies, acrylics, cyanoacrylates, anaerobics, and thread locking compounds. "Chemically Cured Adhesive Remover" does not include "Wallpaper and Flooring Adhesive Remover."

For this definition only: "Chemically Curing" means a chemical reaction that allows for the formation of a chemically crosslinked adhesive when fully cured.

- (27) "Colorant" means any pigment or coloring material used in a consumer product for an aesthetic effect, or to dramatize an ingredient.

- (28) "Construction, Panel, and Floor Covering Adhesive" means any one-component adhesive that is designed exclusively for the installation, remodeling, maintenance, or repair of: (A) structural and building components that include, but are not limited to, beams, trusses, studs, paneling (drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, pre-decorated hardboard or tileboard, etc.), ceiling and acoustical tile, molding, fixtures, countertops or countertop laminates, cove or wall bases, and flooring or subflooring; or (B) floor or wall coverings that include, but are not limited to, wood or simulated wood covering, carpet, carpet pad or cushion, vinyl-backed carpet, flexible flooring material, nonresilient flooring material, mirror tiles and other types of tiles, and artificial grass. "Construction, Panel, and Floor Covering Adhesive" does not include "Floor Seam Sealer" .
- (29) "Consumer" means any person who seeks, purchases, or acquires any consumer product for personal, family, household, or institutional use. Persons acquiring a consumer product for resale are not "consumers" for that product.
- (30) "Consumer Product" means a chemically formulated product used by household and institutional consumers including, but not limited to, detergents; cleaning compounds; polishes; floor finishes; cosmetics; personal care products; home, lawn, and garden products; disinfectants; sanitizers; aerosol paints; and automotive specialty products; but does not include other paint products, furniture coatings, or architectural coatings. As used in this article, the term "consumer product" shall also refer to aerosol adhesives, including aerosol adhesives used for consumer, industrial, and commercial uses.
- (31) "Contact Adhesive" means an adhesive that: (A) is designed for application to both surfaces to be bonded together, and (B) is allowed to dry before the two surfaces are placed in contact with each other, and (C) forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other, and (D) does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces. "Contact Adhesive" does not include rubber cements that are primarily intended for use on paper substrates. "Contact Adhesive" also does not include vulcanizing fluids that are designed and labeled for tire repair only.
- () "Contact Adhesive - General Purpose" is a contact adhesive that is not a Contact Adhesive - Special Purpose".
- () "Contact Adhesives - Special Purpose" is a contact adhesive that is (A) used to bond melamine covered board, unprimed metal, unsupported vinyl, Teflon, ultra-high molecular weight polyethylene, rubber and wood veneer 1/16 inch or less in thickness to any porous or nonporous surface, and sold in units of product, less packaging, which weigh greater than 8 ounces, or (B) used in automotive applications that are (i) automotive under hood applications requiring heat, oil or

gasoline resistance, or (ii) body side molding, automotive weatherstrip or decorative trim.

(32) “Container/Packaging” means the part or parts of the consumer or institutional product which serve only to contain, enclose, incorporate, deliver, dispense, wrap or store the chemically formulated substance or mixture of substances which is solely responsible for accomplishing the purposes for which the product was designed or intended. “Container/Packaging” includes any article onto or into which the principal display panel and other accompanying literature or graphics are incorporated, etched, printed or attached.

(33) “Crawling Bug Insecticide” means any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including, but not limited to, mites, silverfish or spiders. “Crawling Bug Insecticide” does not include products designed to be used exclusively on humans or animals, or any house dust mite product. For the purposes of this definition only:

“House dust mite product” means a product whose label, packaging, or accompanying literature states that the product is suitable for use against house dust mites, but does not indicate that the product is suitable for use against ants, cockroaches, or other household crawling arthropods.

“House dust mite” means mites which feed primarily on skin cells shed in the home by humans and pets and which belong to the phylum Arthropoda, the subphylum Chelicerata, the class Arachnida, the subclass Acari, the order Astigmata, and the family Pyroglyphidae.

() “Deodorant” means any product applied to the human body with a label that indicates it can be used to minimize or protect against odor.
“Deodorant” does not include “Feminine Deodorant Spray,” “Topical Anti-fungal Product,” or “Foot Deodorant Product.”

(34) “Device” means any instrument or contrivance (other than a firearm) which is designed for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.

(35) “Disinfectant” means any product intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects and whose label is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136, et seq.). “Disinfectant” does not include any of the following: (A) products designed solely for use on human or animals, (B) products designed for agricultural use, (C) products designed solely for use in swimming pools, therapeutic tubs, or hot tubs, (D) products which, as indicated on the principal display panel or label, are designed

primarily for use as bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet bowl cleaners, or metal polishes.

- (36) "Distributor" means any person to whom a consumer product is sold or supplied for the purposes of resale or distribution in commerce, except that manufacturers, retailers, and consumers are not distributors.
- (37) "Double Phase Aerosol Air Freshener" means an aerosol air freshener with the liquid contents in two or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.
- (38) "Dry Cleaning Fluid" means any non-aqueous liquid product designed and labeled exclusively for use on: (1) fabrics which are labeled "for dry clean only", such as clothing or drapery; or (2) "S-coded" fabrics. "Dry Cleaning Fluid" includes, but is not limited to, those products used by commercial dry cleaners and commercial businesses that clean fabrics such as draperies at the customer's residence or work place. "Dry Cleaning Fluid" does not include "Spot Remover" or "Carpet and Upholstery Cleaner". For the purposes of this definition, S-coded fabric means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee."
- (39) "Dual Purpose Air Freshener/Disinfectant" means an aerosol product that is represented on the product container for use as both a disinfectant and an air freshener, or is so represented on any sticker, label, packaging, or literature attached to the product container.
- (40) "Dusting Aid" means a product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating. "Dusting Aid" does not include products which consist entirely of compressed gases for use in electronic or other specialty areas.
- (41) "Electronic Cleaner" means a product designed and labeled specifically for the removal of dirt, grease, moisture, dust, flux, light oil, oxides, or grime from electrical equipment such as electric motors, electric motor parts, circuit boards, internal computer components, electricity panels, and generators, and/or any other precision electrical instrument. "Electronic Cleaner" does not include "General Purpose Cleaner," "Dusting Aid," "Engine Degreaser," "Pressurized Gas Duster," and "Anti-Static Product".
- (42) "Engine Degreaser" means a cleaning product designed to remove grease, grime, oil and other contaminants from the external surfaces of engines and other mechanical parts.
- (43) "Executive Officer" means the Executive Officer of the Air Resources Board, or his or her delegate.

- (44) "Existing Product" means any formulation of the same product category and form sold, supplied, manufactured, or offered for sale in California prior to the following dates, or any subsequently introduced identical formulation:
- (A) October 21, 1991, for all products listed in section 94509(a) that have initial effective dates of January 1, 1993, or January 1, 1994;
 - (B) January 6, 1993, for all products listed in section 94509(a) that have initial effective dates of January 1, 1995, or January 1, 1997, and charcoal lighter materials subject to section 94509(h)(i);
 - (C) August 18, 1998, for all products listed in section 94509(a) that have initial effective dates of January 1, 2001, January 1, 2002, January 1, 2003, or January 1, 2005;
 - (D) the operative date of the "Mid-term Measures II" amendments (i.e. 30 days after the "Mid-term Measures II" rulemaking action is approved by the Office of Administrative Law), for all products in the following product categories listed in section 94509(a): "Non-aerosol General Purpose Degreaser," "Sealant and Caulking Compound," and "Tire Sealant and Inflator."
- () "Fabric or Leather Waterproofer" means any product designed or labeled exclusively to waterproof, repel or seal water from fabric substrates, leather substrates, or associated stitching. "Fabric or Leather Waterproofer" does not include "Fabric Protectants" or "Vinyl/Fabric/Leather/Polycarbonate Coatings".
- (45) "Fabric Protectant" means a product designed to be applied to fabric substrates to protect the surface from soiling from dirt and other impurities or to reduce absorption of liquid into the fabric's fibers. "Fabric Protectant" does not include waterproofer, products designed for use solely on leather, or products designed for use solely on fabrics which are labeled "for dry clean only" and sold in containers of 10 fluid ounces or less.
- () "Fabric Refresher" means a product labeled to neutralize or eliminate odor on fabric including, but not limited to, soft household surfaces, rugs, carpeting, draperies, bedding, automotive interiors, footwear, athletic equipment, clothing and/or on household furniture or objects upholstered or covered with fabrics such as wool, cotton, nylon, or other synthetic fabrics. "Fabric Refresher" does not include "Carpet and Upholstery Cleaner," "Footwear Care Product," "Foot Deodorant Product," "Feminine Deodorant Spray," "Spot Remover," or "Disinfectant," or products labeled for application to both fabric and human skin.
- (46) "Facial Cleaner or Soap" means a cleaner or soap designed primarily to clean the face. "Facial Cleaner or Soap" includes, but is not limited to, facial cleansing creams, ~~gels~~ semisolids, liquids, lotions, and substrate-impregnated forms. "Facial Cleaner or Soap" does not include prescription drug products,

“Antimicrobial Hand or Body Cleaner or Soap,” “Astringent/Toner,” “General-use Hand or Body Cleaner or Soap,” “Medicated Astringent/Medicated Toner,” or “Rubbing Alcohol.”

- (47) “Fat Wood” means pieces of wood kindling with high naturally-occurring levels of sap or resin which enhance ignition of the kindling. “Fat wood” does not include any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products.
- () “Feminine Deodorant Spray” means an aerosol or pump spray product with a label that indicates that the product is for external use, primarily to be applied on or adjacent to the female genital area to absorb moisture, deodorize, neutralize or otherwise control odor. “Feminine Deodorant Spray” includes products labeled for use on clothing such as pantyhose or underwear. “Feminine Deodorant Spray” does not include “Topical Anti-fungal Product,” “Foot Deodorant Product,” “Air Freshener,” “Antiperspirant,” “Deodorant,” “Fabric Refresher,” “Personal Fragrance Product,” or hand sanitizer.
- (48) “Flea and Tick Insecticide” means any insecticide product that is designed for use against fleas, ticks, their larvae, or their eggs. “Flea and Tick Insecticide” does not include products that are designed to be used exclusively on humans or animals and their bedding.
- (49) “Flexible Flooring Material” means asphalt, cork, linoleum, no-wax, rubber, seamless vinyl and vinyl composite flooring.
- () “Floor Coating” means an opaque coating that is labeled and formulated for application to flooring, including but not limited to, decks, porches, steps, and other horizontal surfaces which may be subject to foot traffic.
- (50) “Floor Polish or Wax” means a wax, polish, or any other product designed to polish, protect, or enhance floor surfaces by leaving a protective coating that is designed to be periodically replenished. “Floor Polish or Wax” does not include “spray buff products”, products designed solely for the purpose of cleaning floors, floor finish strippers, products designed for unfinished wood floors, and coatings subject to architectural coatings regulations.
- (51) “Floor Seam Sealer” means any product designed and labeled exclusively for bonding, fusing, or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.
- (52) “Floor Wax Stripper” means a product designed to remove natural or synthetic floor polishes or waxes through breakdown of the polish or wax polymers, or by dissolving or emulsifying the polish or wax. “Floor Wax Stripper” does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.

- (53) "Flying Bug Insecticide" means any insecticide product that is designed for use against flying insects or other flying arthropods, including but not limited to flies, mosquitoes, moths, or gnats. "Flying Bug Insecticide" does not include "wasp and hornet insecticide", products that are designed to be used exclusively on humans or animals, or any moth-proofing product. For the purposes of this definition only, "moth-proofing product" means a product whose label, packaging, or accompanying literature indicates that the product is designed to protect fabrics from damage by moths, but does not indicate that the product is suitable for use against flying insects or other flying arthropods.
- () "Foot Deodorant Product" means a product with a label that indicates it is for application to feet or footwear for the purpose of absorbing moisture, deodorizing, relieving the discomfort of hot or perspiring skin, or otherwise eliminating, destroying, or minimizing odor. "Foot Deodorant Product" includes combination foot and footwear deodorant products and products recommended to be sprayed onto socks or stockings. "Foot Deodorant Product" does not include "Topical Anti-fungal Product," "Feminine Deodorant Spray," "Air Freshener," "Antiperspirant," "Deodorant," "Fabric Refresher," "Footwear Care Product," "Personal Fragrance Product," or products labeled against use on humans.
- () "Footwear Care Product" means any product designed or labeled to be applied primarily to footwear, to maintain, enhance, clean, protect, or modify the appearance, durability, fit, or flexibility of footwear. "Footwear Care Product" does not include "Fabric or Leather Waterproofing," "Leather Care Product," "Fabric Protectant," "General Purpose Adhesive," "Contact Adhesive," "Vinyl/Fabric/Leather/Polycarbonate Coating," "Rubber and Vinyl Protectant," "Topical Anti-fungal Products" "Foot Deodorant Product," "Fabric Refresher," sealant products with adhesive properties used to create external protective layers greater than 2 millimeters thick.
- (54) "Fragrance" means a substance or complex mixture of aroma chemicals, natural essential oils, and other functional components with a combined vapor pressure not in excess of 2 mm of Hg at 20°C, the sole purpose of which is to impart an odor or scent, or to counteract a malodor.
- (55) "Furniture Maintenance Product" means a wax, polish, conditioner, or any other product designed for the purpose of polishing, protecting or enhancing finished wood surfaces other than floors. "Furniture Maintenance Product" does not include dusting aids, products designed solely for the purpose of cleaning, and products designed to leave a permanent finish such as stains, sanding sealers and lacquers.

- (56) "Furniture Coating" means any paint designed for application to room furnishings including, but not limited to, cabinets (kitchen, bath and vanity), tables, chairs, beds, and sofas.
- (57) "Gel" means a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as jelly.
- (58) "General Purpose Adhesive" means any non-aerosol adhesive designed for use on a variety of substrates. "General Purpose Adhesive" does not include (A) contact adhesives, (B) construction, panel, and floor covering adhesives, (C) adhesives designed exclusively for application on one specific category of substrates (i.e., substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers, or vinyls), or (D) adhesives designed exclusively for use on one specific category of articles (i.e., articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weather-stripping, or carpets).
- () "General Purpose Adhesive Remover" means a product labeled to remove adhesive or glue and the residue therefrom. "General Purpose Adhesive Remover" does not include "Wallpaper and Flooring Adhesive Remover" or "Chemically Cured Adhesive Remover."
- (59) "General Purpose Cleaner" means a product designed for general all-purpose cleaning, in contrast to cleaning products designed to clean specific substrates in certain situations. "General Purpose Cleaner" includes products designed for general floor cleaning, kitchen or countertop cleaning, and cleaners designed to be used on a variety of hard surfaces.
- (60) "General Purpose Degreaser" means any product ~~designed~~ labeled to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts. "General Purpose Degreaser" does not include "Engine Degreaser," "General Purpose Cleaner", "Adhesive Remover", "Electronic Cleaner", "Metal Polish/Cleanser", products used exclusively in "solvent cleaning tanks or related equipment," or products that are (A) sold exclusively to establishments which manufacture or construct goods or commodities; and (B) labeled "not for retail sale". "Solvent cleaning tanks or related equipment" includes, but is not limited to, cold cleaners, vapor degreasers, conveyorized degreasers, film cleaning machines, or products designed to clean miscellaneous metallic parts by immersion in a container.
- (61) "General-use Hand or Body Cleaner or Soap" means a cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils. "General-use Hand or Body Cleaner or Soap" includes, but is not limited to, hand or body washes, dual-purpose shampoo-body cleaners, shower or bath gels, and moisturizing cleaners or soaps. "General-use Hand or Body Cleaner or Soap" does not include prescription drug products, "Antimicrobial Hand or Body

Cleaner or Soap”, “Astringent/Toner”, “Facial Cleaner or Soap”, “Hand Dishwashing Detergent” (including antimicrobial), “Heavy-duty Hand Cleaner or Soap”, “Medicated Astringent/Medicated Toner”, or “Rubbing Alcohol.”

- (62) “Glass Cleaner” means a cleaning product designed primarily for cleaning surfaces made of glass. Glass cleaner does not include products designed solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment and photocopying machines.
- () “Graffiti Remover” means a product labeled to remove spray paint, ink, marker, crayon, lipstick, nail polish, or shoe polish, from a variety of non-cloth or non-fabric substrates. “Graffiti Remover” does not include “Paint Remover or Stripper,” “Nail Polish Remover,” or “Spot Remover.”
- (63) “Hair Mousse” means a hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.
- (64) “Hair Shine” means any product designed for the primary purpose of creating a shine when applied to the hair. “Hair Shine” includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. “Hair Shine” does not include “Hairspray”, “Hair Mousse”, “Hair Styling Product Gel” or spray gel, or products whose primary purpose is to condition or hold the hair.
- (65) “Hair Styling Gel Product” means a high-viscosity, often gelatinous, consumer product that contains a resin and is designed or labeled for the application to wet, damp, or dry hair to aid in defining, volumizing, texturizing, styling and/or sculpting of the hair coiffure. Includes, but is not limited to hair balm, clay, cream, creme, curl straightener, gel, liquid, lotion, paste, pomade, putty, root lifter, serum, spray gel, stick, temporary hair straightener, volumizer, wax, detangler and/or conditioner that makes styling claims, and spray products that aid in styling but do not provide finishing of a hairstyle. Does not include “Hair Mousse,” “Hair Shine,” “Hair Spray,” shampoo, or conditioner that does not make styling claims.

For the purposes of this definition, “finish” or “finishing” means the maintaining and/or holding of previously styled hair for a period of time.

- (66) “Hairspray” means a consumer product that is applied to styled hair, and is designed or labeled to primarily for the purpose of dispensing droplets of a resin on and into a hair coiffure which will impart provide sufficient rigidity to hold, the coiffure to establish or retain and/or (finish) the style of the hair for a period of time. “Hairspray” includes aerosol hair sprays, pump hair sprays, spray waxes; color, glitter, or sparkle hairsprays that make finishing claims; and products that are both a styling and finishing product. “Hairspray” does not include spray products that are intended to aid in styling but do not provide finishing of a hairstyle.

For the purposes of this definition, "finish" or "finishing" means the maintaining and/or holding of previously styled hair for a period of time.

- (67) "Heavy-Duty Hand Cleaner or Soap" means a product designed to clean or remove difficult dirt and soils such as oil, grease, grime, tar, shellac, putty, printer's ink, paint, graphite, cement, carbon, asphalt, or adhesives from the hand with or without the use of water. "Heavy-duty Hand Cleaner or Soap" does not include prescription drug products, "Antimicrobial Hand or Body Cleaner or Soap", "Astringent/Toner", "Facial Cleaner or Soap", "General-use Hand or Body Cleaner or Soap", "Medicated Astringent/Medicated Toner" or "Rubbing Alcohol."
- (68) "Herbicide" means a pesticide product designed to kill or retard a plant's growth, but excludes products that are: (A) for agricultural use, or (B) restricted materials that require a permit for use and possession.
- (69) "Household Product" means any consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.
- (70) "Insect Repellent" means a pesticide product that is designed to be applied on human skin, hair or attire worn on humans in order to prevent contact with or repel biting insects or arthropods.
- (71) "Insecticide" means a pesticide product that is designed for use against insects or other arthropods, but excluding products that are: (A) for agricultural use, or (B) for a use which requires a structural pest control license under Chapter 14 (commencing with Section 8500) of the Business and Professions Code, or (C) restricted materials that require a permit for use and possession.
- (72) "Insecticide Fogger" means any insecticide product designed to release all or most of its content, as a fog or mist, into indoor areas during a single application.
- (73) "Institutional Product" or "Industrial and Institutional (I&I) Product" means a consumer product that is designed for use in the maintenance or operation of an establishment that: (A) manufactures, transports, or sells goods or commodities, or provides services for profit; or (B) is engaged in the nonprofit promotion of a particular public, educational, or charitable cause. "Establishments" include, but are not limited to, government agencies, factories, schools, hospitals, sanitariums, prisons, restaurants, hotels, stores, automobile service and parts centers, health clubs, theaters, or transportation companies. "Institutional Product" does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

- (74) "Label" means any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon any consumer product or consumer product package, for purposes of branding, identifying, or giving information with respect to the product or to the contents of the package.
- (75) "Laundry Prewash" means a product that is designed for application to a fabric prior to laundering and that supplements and contributes to the effectiveness of laundry detergents and/or provides specialized performance.
- (76) "Laundry Starch Product" means a product that is designed for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and may also act to help ease ironing of the fabric. "Laundry Starch Product" includes, but is not limited to, fabric finish, sizing, and starch.
- (77) "Lawn and Garden Insecticide" means an insecticide product designed primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods.
- () "Leather Care Product" means any product designed or labeled to be applied primarily to leather articles or components, other than footwear, to maintain, enhance, clean, protect, or modify the appearance, durability, fit, flexibility, or odor of the leather. "Leather Care Product" does not include "Fabric or Leather Waterproofing," "Vinyl/Fabric/Leather/Polycarbonate Coating," or "Rubber and Vinyl Protectant."
- (78) "Liquid" means a substance or mixture of substances which is capable of a visually detectable flow as determined under ASTM D-4359-90. "Liquid" does not include powders or other materials that are composed entirely of solid particles.
- (79) "Lubricant" means a product designed to reduce friction, heat, noise, or wear between moving parts, or to loosen rusted or immovable parts or mechanisms. "Lubricant" does not include automotive power steering fluids; products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes; two cycle oils or other products designed to be added to fuels; products for use on the human body or animals or products that are (1) sold exclusively to establishments which manufacture or construct goods or commodities, and (2) labeled "not for retail sale".
- (80) "LVP-VOC" means a chemical "compound" or "mixture" that contains at least one carbon atom and meets one of the following:
- (A) has a vapor pressure less than 0.1 mm Hg at 20°C, as determined by ARB Method 310; or

- (B) is a chemical “compound” with more than 12 carbon atoms, or a chemical “mixture” comprised solely of “compounds” with more than 12 carbon atoms as verified by formulation data, and the vapor pressure and boiling point are is unknown; or
- (C) is a chemical “compound” with a boiling point greater than 216°C, as determined by ARB Method 310; or
- (D) is the weight percent of a chemical “mixture” that boils above 216°C, as determined by ARB Method 310.

For the purposes of the definition of LVP-VOC, chemical “compound” means a molecule of definite chemical formula and isomeric structure, and chemical “mixture” means a substrate comprised of two or more chemical “compounds”.

- (81) “Manufacturer” means any person who imports, manufactures, assembles, produces, packages, repackages, or relabels a consumer product.
- (82) “Medicated Astringent/Medicated Toner” means any product regulated as a drug by the Food and Drug Administration (FDA) which is applied to the skin for the purpose of cleaning or tightening pores. “Medicated Astringent/Medicated Toner” includes, but is not limited to, clarifiers and substrate-impregnated products. “Medicated Astringent/Medicated Toner” does not include hand, face, or body cleaner or soap products, “Personal Fragrance Products”, “Astringent/Toner,” cold cream, lotion, antiperspirants, or products that must be purchased with a doctor’s prescription.
- (83) “Metal Polish/Cleanser” means any product designed primarily to improve the appearance of finished metal, metallic, or metallized surfaces by physical or chemical action. To “improve the appearance” means to remove or reduce stains, impurities, or oxidation from surfaces or to make surfaces smooth and shiny. “Metal Polish/Cleanser” includes, but is not limited to, metal polishes used on brass, silver, chrome, copper, stainless steel and other ornamental metals. “Metal Polish/Cleanser” does not include “Automotive Wax, Polish, Sealant or Glaze”, wheel cleaner, “Paint Remover or Stripper”, products designed and labeled exclusively for automotive and marine detailing, or products designed for use in degreasing tanks.
- (84) “Mist spray adhesive” means any aerosol adhesive which is not a special purpose spray adhesive and which delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.
- (85) “Multi-purpose Dry Lubricant” means any lubricant which is: (A) designed and labeled to provide lubricity by depositing a thin film of graphite, molybdenum disulfide (“moly”), or polytetrafluoroethylene or closely related fluoropolymer (“teflon”) on surfaces, and (B) designed for general purpose lubrication, or for use in a wide variety of applications.

- (86) "Multi-purpose Lubricant" means any lubricant designed for general purpose lubrication, or for use in a wide variety of applications. "Multi-purpose Lubricant" does not include "Multi-purpose Dry Lubricants", "Penetrants", or "Silicone-based Multi-purpose Lubricants".
- (87) ~~"Multi-purpose Solvent" means any organic liquid designed to be used for a variety of purposes, including cleaning or degreasing of a variety of substrates, or thinning, dispersing or dissolving other organic materials. "Multi-purpose Solvent" includes solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories. "Multi-purpose Solvent" does not include solvents used in cold cleaners, vapor degreasers, conveyorized degreasers or film cleaning machines, or solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment.~~
- () "Nail Coating" means a clear, colored, pigmented, tinted, textured, metallic, or otherwise visually enhanced product that forms a hard film when applied to natural or artificial fingernails and/or toenails, and functions as one or more of the following: nail polish, top coat, base coat/undercoat, or nail treatment product that forms a hard film. "Nail Coating" can be applied to bare or previously coated nails and includes, but is not limited to, enamels, lacquers, combination top coat/polish drying products, ridge fillers, strengtheners, hardeners, and conditioners. "Nail Coating" does not include nail glues or adhesives, cuticle care and removal products, nail soaks, nail creams and lotions, products designed exclusively for anti-fungal nail treatment, nor products used exclusively in the creation of artificial nail enhancements such as acrylic, gel, wrap, and sculptured nail systems.
- (88) ~~"Nail Polish" means any clear or colored coating designed for application to the fingernails or toenails and including but not limited to, lacquers, enamels, acrylics, base coats and top coats.~~
- (89) "Nail Polish Remover" means a product designed to remove nail polish and coatings from fingernails or toenails.
- (90) "Non-Carbon Containing Compound" means any compound which does not contain any carbon atoms.
- (91) "Nonresilient Flooring" means flooring of a mineral content which is not flexible. "Nonresilient Flooring" includes terrazzo, marble, slate, granite, brick, stone, ceramic tile and concrete.
- (92) "Non-Selective Terrestrial Herbicide" means a terrestrial herbicide product that is toxic to plants without regard to species.

- (93) "Oven Cleaner" means any cleaning product designed to clean and to remove dried food deposits from oven walls.
- (94) "Paint" means any pigmented liquid, liquefiable, or mastic composition designed for application to a substrate in a thin layer which is converted to an opaque solid film after application and is used for protection, decoration or identification, or to serve some functional purpose such as the filling or concealing of surface irregularities or the modification of light and heat radiation characteristics.
- (95) "Paint Remover or Stripper" means any product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate. "Paint Remover or Stripper" does not include ~~"Multi-purpose Solvents"~~, paint brush cleaners, products designed and labeled ~~exclusively~~ to remove graffiti, and hand cleaner products that claim to remove paints and other related coatings from skin.
- () "Paint Thinner" means any liquid used to thin paint.
- (96) "Penetrant" means a lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. "Penetrant" does not include "Multi-purpose Lubricants" that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts.
- (97) "Person" shall have the same meaning as defined in Health and Safety Code Section 39047.
- (98) "Personal Fragrance Product" means any product which is applied to the human body or clothing for the primary purpose of adding a scent or masking a malodor, including cologne, perfume, aftershave, and toilet water. "Personal Fragrance Product" does not include: (A) ~~Deodorant products exclusively for human axillae~~; (B) medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body; (C) mouthwashes, breath fresheners and deodorizers; (D) lotions, moisturizers, powders or other skin care products used primarily to alleviate skin conditions such as dryness and irritations; (E) products designed exclusively for use on human genitalia; (F) soaps, shampoos, and products primarily used to clean the human body; and (G) fragrance products designed to be used exclusively on non-human animals.
- (99) "Pesticide" means and includes any substance or mixture of substances labeled, designed, or intended for use in preventing, destroying, repelling or mitigating any pest, or any substance or mixture of substances labeled, designed, or intended for use as a defoliant, desiccant, or plant regulator, provided that the term "pesticide" will not include any substance, mixture of substances, or device which the United States Environmental Protection Agency does not consider to be a pesticide.

- () "Pressurized Gas Duster" means a pressurized product intended to remove dust from a surface strictly by means of mass air or gas flow, including dusting sprays for photographs, photographic film negatives, computer keyboards, and other types of surfaces that cannot be cleaned with solvents.
- (400) "Principal Display Panel or Panels" means that part, or those parts of a label that are so designed as to most likely be displayed, presented, shown or examined under normal and customary conditions of display or purchase. Whenever a principal display panel appears more than once, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels".
- (401) "Product Brand Name" means the name of the product exactly as it appears on the principal display panel of the product.
- (402) "Product Category" means the applicable category which best describes the product as listed in this Section 94508.
- (403) "Product Form", for the purpose of complying with Section 94513 only, means the applicable form which most accurately describes the product's dispensing form as follows:
- A = Aerosol Product
 - S = Solid
 - P = Pump Spray
 - L = Liquid
 - ~~G = Gel~~
 - SS = Semisolid
 - O = Other
- (404) "Propellant" means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container.
- (405) "Pump Spray" means a packaging system in which the product ingredients within the container are not under pressure and in which the product is expelled only while a pumping action is applied to a button, trigger or other actuator.
- (406) "Responsible Party" means the company, firm or establishment which is listed on the product's label. If the label lists two companies, firms or establishments, the responsible party is the party which the product was "manufactured for" or "distributed by", as noted on the label.
- (407) "Restricted Materials" means pesticides established as restricted materials under Title 3, California Code of Regulations, section 6400.

- (408) "Retailer" means any person who sells, supplies, or offers consumer products for sale directly to consumers.
- (409) "Retail Outlet" means any establishment at which consumer products are sold, supplied, or offered for sale directly to consumers.
- (410) "Rubber and Vinyl Protectant" means any product designed to protect, preserve or renew vinyl, rubber, and plastic on vehicles, tires, luggage, furniture, and household products such as vinyl covers, clothing, and accessories. "Rubber and Vinyl Protectant" does not include products primarily designed to clean the wheel rim, such as aluminum or magnesium wheel cleaners, and tire cleaners that do not leave an appearance-enhancing or protective substance on the tire.
- (411) "Rubbing Alcohol" means any product containing isopropyl alcohol (also called isopropanol) or denatured ethanol and labeled for topical use, usually to decrease germs in minor cuts and scrapes, to relieve minor muscle aches, as a rubefacient, and for massage.
- (412) "Sealant and Caulking Compound" means any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two surfaces. "Sealant and Caulking Compound" does not include roof cements and roof sealants; insulating foams; removable caulking compounds; clear/paintable/water resistant caulking compounds; floor seam sealers; products designed exclusively for automotive uses; or sealers that are applied as continuous coatings. "Sealant and Caulking Compound" also does not include units of product, less packaging, which weigh more than one pound and consist of more than 16 fluid ounces. For the purposes of this definition only, "removable caulking compounds" means a compound which temporarily seals windows or doors for three to six month time intervals, and "clear/paintable/water resistant caulking compounds" means a compound which contains no appreciable level of opaque fillers or pigments; transmits most or all visible light through the caulk when cured; is paintable; and is immediately resistant to precipitation upon application.
- (413) "Semisolid" means a product that, at room temperature, will not pour, but will spread or deform easily, including but not limited to gels, pastes, and greases.
- (414) "Shaving Cream" means an aerosol product which dispenses a foam lather intended to be used with a blade or cartridge razor, or other wet-shaving system, in the removal of facial or other bodily hair. "Shaving Cream" does not include "Shaving Gel."
- () "Shaving Gel" means an aerosol product which dispenses a post-foaming semi-solid designed to be used with a blade, cartridge razor, or other shaving system in the removal of facial or other bodily hair. "Shaving Gel" does not include "Shaving Cream,"

- (115) "Silicone-based Multi-purpose Lubricant" means any lubricant which is:
(A) designed and labeled to provide lubricity primarily through the use of silicone compounds including, but not limited to, polydimethylsiloxane, and (B) designed and labeled for general purpose lubrication, or for use in a wide variety of applications. "Silicone-based Multi-purpose Lubricant" does not include products designed and labeled exclusively to release manufactured products from molds.
- (116) "Single Phase Aerosol Air Freshener" means an aerosol air freshener with the liquid contents in a single homogeneous phase and which does not require that the product container be shaken before use.
- (117) "Solid" means a substance or mixture of substances which, either whole or subdivided (such as the particles comprising a powder), is not capable of visually detectable flow as determined under ASTM D-4359-90.
- () "Solvent Remover" means a product labeled to remove soils or contaminants from a variety of substrates. "Solvent Remover" includes solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories. "Solvent Remover" does not include "General Purpose Cleaner," "General Purpose Degreaser," "Paint Thinner," or solvents used in cold cleaners, vapor degreasers, conveyorized degreasers or film cleaning machines, or solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment.
- () "Special Purpose Remover" means a product labeled to remove a specific soil or contaminant. "Special Purpose Remover" does not include "Paint Remover or Stripper," or products that remove grease, grime, oil, graffiti, bug and tar residues, adhesives, caulks and sealants, or products that remove localized spots or stains on cloth or fabric.
- (118) "Spot Remover" means any product designed labeled to clean localized areas, or remove localized spots or stains on cloth or fabric such as drapes, carpets, upholstery, and clothing, that does not require subsequent laundering to achieve stain removal. "Spot Remover" does not include "Dry Cleaning Fluid", "Laundry Prewash," or "Carpet and Upholstery Cleaner." ~~or "Multi-purpose Solvent."~~
- (119) "Spray Buff Product" means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.
- (120) "Special Purpose Spray Adhesive" means an aerosol adhesive that meets any of the following definitions:

(A) "Mounting adhesive" means an aerosol adhesive designed to permanently mount photographs, artwork, and any other drawn or printed media to a

backing (paper, board, cloth, etc.) without causing discoloration to the artwork.

- (B) "Flexible vinyl adhesive" means an aerosol adhesive designed to bond flexible vinyl to substrates. Flexible vinyl means a nonrigid polyvinyl chloride plastic with at least five percent, by weight, of plasticizer content. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a vinyl to increase its flexibility, workability, or distensibility, and may be determined using ASTM Method E260-91 or from product formulation data.
- (C) "Polystyrene Foam Adhesive" means an aerosol adhesive designed to bond polystyrene foam (e.g. Styrofoam®, expanded polystyrene foam, etc.) to substrates.
- (D) "Automobile Headliner Adhesive" means an aerosol adhesive designed to bond together layers in motor vehicle headliners.
- (E) "Polyolefin Adhesive" means an aerosol adhesive designed to bond polyolefins (e.g. polyethylene, polypropylene, etc.) to substrates.
- (F) "Laminate Repair/Edgebanding Adhesive" means an aerosol adhesive designed for:
 - (1) the touch-up or repair of items laminated with high pressure laminates (e.g. lifted edges, delaminations, etc.), or for
 - (2) the touch-up, repair, or attachment of edgebanding materials, including, but not limited to, other laminates, synthetic marble, veneers, wood moulding, and decorative metals.

For the purposes of this definition " high pressure laminate" means sheet materials which consist of paper, fabric, or other core material that have been laminated at temperatures exceeding 265 degrees F, and at pressures between 1,000 and 1,400 psi.

- (G) "Automotive Engine Compartment Adhesive" means an aerosol adhesive designed for use in motor vehicle under-the-hood applications which require oil and plasticizer resistance, as well as high shear strength, at temperatures of 200-275° F.
- (421) "Table B Compound" means any carbon-containing compound listed as an exception to the definition of VOC in Section 94508.
- (422) "Terrestrial" means to live on or grow from land.

- () "Toilet/Urinal Care Product" means any product labeled or specifically designed to clean, to deodorize, or to both clean and deodorize, toilet bowls, toilet tanks, and/or urinals. Specifically designed means designed or labeled exclusively for toilet and/or urinal use. "Toilet/Urinal Care Product" includes, but is not limited to, products for toilets/urinals connected to permanent plumbing in buildings and other structures, products for portable toilets/urinals placed at temporary/remote locations, and products for toilet/urinals in vehicles such as buses, recreational motor homes, boats, ships, and aircraft. "Toilet/Urinal Care Product" does not include "Bathroom and Tile Cleaners," or "General Purpose Cleaners".
- (423) "Tire Sealant and Inflator" means any pressurized product that is designed to temporarily inflate and seal a leaking tire.
- () "Topical Anti-fungal Product" means a product labeled for the treatment, prevention, or cure of skin infections caused by dermatophytes, including athlete's foot, jock itch, and/or ringworm. "Topical Anti-fungal Product" includes products regulated by the Food and Drug Administration in 21CFR Part 333 of the Code of Federal Regulations as an over-the-counter topical anti-fungal drug product. "Topical Anti-fungal Product" does not include prescription only drug products, "Footwear Care Product," or "Foot Deodorant Product." For the purposes of this definition only:
- "Anti-fungal" means a drug which inhibits the growth and reproduction of fungal cells and decreases the number of fungi present.
- (424) "Type A Propellant" means a compressed gas such as CO₂, N₂, N₂O, or compressed air which is used as a propellant, and is either incorporated with the product or contained in a separate chamber within the product's packaging.
- (425) "Type B Propellant" means any halocarbon which is used as a propellant including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs).
- (426) "Type C Propellant" means any propellant which is not a Type A or Type B propellant, including propane, isobutane, n-butane, and dimethyl ether (also known as dimethyl oxide).
- (427) "Undercoating" means any aerosol product designed to impart a protective, non-paint layer to the undercarriage, trunk interior, and/or firewall of motor vehicles to prevent the formation of rust or to deaden sound. "Undercoating" includes, but is not limited to, rubberized, mastic, or asphaltic products.
- (428) "Usage Directions" means the text or graphics on the product's principal display panel, label, or accompanying literature which describes to the end user how and in what quantity the product is to be used.

(429) "Volatile Organic Compound (VOC)" means any compound containing at least one atom of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding the following:

- (A) methane,
methylene chloride (dichloromethane),
1,1,1-trichloroethane (methyl chloroform),
trichlorofluoromethane (CFC-11),
dichlorodifluoromethane (CFC-12),
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113),
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114),
chloropentafluoroethane (CFC-115),
chlorodifluoromethane (HCFC-22),
1,1,1-trifluoro-2,2-dichloroethane (HCFC-123),
1,1-dichloro-1-fluoroethane (HCFC-141b),
1-chloro-1,1-difluoroethane (HCFC-142b),
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124),
trifluoromethane (HFC-23),
1,1,2,2-tetrafluoroethane (HFC-134),
1,1,1,2-tetrafluoroethane (HFC-134a),
pentafluoroethane (HFC-125),
1,1,1-trifluoroethane (HFC-143a),
1,1-difluoroethane (HFC-152a),
cyclic, branched, or linear completely methylated siloxanes,
the following classes of perfluorocarbons:
1. cyclic, branched, or linear, completely fluorinated alkanes;
 2. cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 3. cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 4. sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds to carbon and fluorine, and
- (B) the following low-reactive organic compounds which have been exempted by the U.S. EPA:
- acetone,
ethane,
methyl acetate,
parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene),
perchloroethylene (tetrachloroethylene).

- (430) "VOC Content" means the total weight of VOC in a product expressed as a percentage of the product weight (exclusive of the container or packaging), as determined pursuant to sections 94515(a) and (b).
- () "Wallpaper and Flooring Adhesive Remover" means a product labeled to remove mastics, wallpaper, carpet, tile, or other flooring adhesives and the adhesive or glue residue therefrom.
- (431) "Wasp and Hornet Insecticide" means any insecticide product that is designed for use against wasps, hornets, yellow jackets or bees by allowing the user to spray from a distance a directed stream or burst at the intended insects, or their hiding place.
- (432) ~~"Waterproof" means a product designed and labeled exclusively to repel water from fabric or leather substrates. "Waterproof" does not include "Fabric Protectants".~~
- (433) "Wax" means a material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers (plastics). "Wax" includes, but is not limited to, substances derived from the secretions of plants and animals such as caruba wax and beeswax, substances of a mineral origin such as ozocerite and paraffin, and synthetic polymers such as polyethylene.
- (434) "Web Spray Adhesive" means any aerosol adhesive which is not a mist spray adhesive or special purpose spray adhesive.
- () "Wood Cleaner" means a product labeled to clean wooden materials including but not limited to decking, fences, flooring, logs, cabinetry, and furniture. "Wood Cleaner" does not include "Dusting Aid," "General Purpose Cleaner," "Furniture Maintenance Product," "Floor Wax Stripper," or products designed and labeled exclusively to preserve or color wood.
- (435) "Wood Floor Wax" means wax-based products for use solely on wood floors.

NOTE: Authority cited: Sections 39600, 39601, and 41712, Health and Safety Code.
Reference: Sections 39002, 39600, 40000, and 41712, Health and Safety Code.

94509. Standards for Consumer Products

- (a) Except as provided in Sections 94510 (Exemptions), 94511 (Innovative Products), 94514 (Variances), 94540 through 94555 (Alternative Control Plan), and 94567(a)(1) (Hairspray Credit Program), Title 17, California Code of Regulations, no person shall sell, supply, offer for sale, or manufacture for sale in California any consumer product which, at the time of sale or manufacture,

contains volatile organic compounds in excess of the limits specified in the following Table of Standards after the specified effective dates.

[NOTE: In the interest of clarity we have redesigned the Table of Standards. Previously, the product categories subject to regulation were separated into three groups (Phase I, Phase II, and Phase III) based on the rulemaking actions in which standards were first adopted for each category. In the redesigned Table of Standards shown below, the product categories subject to regulation are presented in alphabetical order.]

**Table of Standards
Percent Volatile Organic Compound by Weight**

Product Category	Effective Date ¹	VOC Standard ²
<u>Adhesive Remover:</u>		
----- <u>wallpaper & flooring adhesive remover</u>	<u>12/31/2006</u>	<u>5</u>
----- <u>paper related adhesive remover</u>	<u>12/31/2006</u>	<u>20</u>
----- <u>cured adhesive remover</u>	<u>12/31/2006</u>	<u>50</u>
<u>Adhesives *:</u>		
aerosol	1/1/95	75
----- mist spray adhesives	1/1/2002	65
----- web spray adhesives	1/1/2002	55
----- special purpose spray adhesives		
mounting, automotive engine compartment, and		
flexible vinyl adhesives	1/1/2002	70
polystyrene foam and automobile headliner		
adhesives	1/1/2002	65
polyolefin and laminate repair/edgebanding		
adhesives	1/1/2002	60
[See 94509(i)(j) , 94512(d), and 94513(d) for additional requirements that apply to aerosol adhesives.]		
----- construction, panel, and floor covering**	1/1/95 12/31/2002	40 15
----- contact	1/1/95	80
----- <u>contact adhesive - general purpose</u>	<u>12/31/2006</u>	<u>55</u>

<u>contact adhesive - special purpose</u> [See 94509(i)(j) for additional requirements that apply to contact adhesives.]	<u>12/31/2006</u>	<u>80</u>
----- general purpose =====	----- 1/1/95 =====	----- 10 =====
* See section 94510(i) for an exemption that applies to adhesives sold in containers of one fluid ounce or less. ** See section 94509(k)(l) for the effective date of the VOC limit for certain types of "construction, panel, and floor covering adhesives."		
Aerosol Cooking Sprays	1/1/95	18
Air Fresheners*: double phase aerosols	1/1/93 12/31/2004	30 25
----- single phase aerosols	1/1/93 1/1/96	70 30
----- dual purpose air fresheners/disinfectant aerosols	1/1/94	60
----- liquid/pump sprays	1/1/93	18
----- solids/gels/semisolid	1/1/93	3
=====	=====	=====
* See sections 94510(f) and 94510(g) for exemptions that apply to certain air fresheners.		
<u>Anti-static Product:</u> <u>aerosol</u>	<u>12/31/2006</u>	<u>20</u>
----- non-aerosol	12/31/2006	11
Automotive Brake Cleaners	1/1/97 12/31/2002	50 45
Automotive Rubbing or Polishing Compounds	1/1/2005	17
Automotive Wax/Polish/Sealant/Glaze: all other forms	1/1/2005	15
----- hard paste waxes	1/1/2005	45
----- instant detailers	1/1/2001	3
Automotive Windshield Washer Fluids: Type "A" areas*	1/1/93	35
----- All other areas (all forms)	1/1/93	10

Dilutable and Pre-Mixed ^{1/} ^{1/} See section 94508(a)(18) (Automotive Polish Sealant or Glaze), section 94508(a) (19) (Automotive Windshield Washer Fluid), and section 94509(l)(m) for provisions that apply to Automotive Windshield Washer Fluids. =====	12/31/2002	1
* Type "A" areas include only the following: Del Norte, Shasta and Trinity Counties; the Great Basin Valley, Lake Tahoe, Mountain Counties, and Northeast Plateau Air Basins, as defined in Title 17, California Code of Regulations, Sections 60105, 60108, 60111, and 60113.	=====	=====
Bathroom and Tile Cleaners:		
aerosols	1/1/94	7
-----	-----	-----
all other forms	1/1/94	5
Bug and Tar Remover	1/1/2002	40
Carburetor or Fuel-injection Air Intake Cleaners **	1/1/95 12/31/2002	75 45
=====	=====	=====
** See section 94509(k)(l) for the effective date of the VOC limit for fuel-injection air intake cleaners.		
Carpet and Upholstery Cleaner:		
aerosols	1/1/2001	7
-----	-----	-----
non-aerosols (dilutables)	1/1/2001	.1
-----	-----	-----
non-aerosols (ready-to-use)	1/1/2001	3
Charcoal Lighter Material	See 94509(h)	
Dusting Aids:		
aerosol	1/1/95 1/1/97	35 25
-----	-----	-----
all other forms	1/1/95	7
Electronic Cleaner	12/31/2006	35
Engine Degreasers (all forms):	1/1/93 1/1/96	75 50
-----	-----	-----
aerosols	12/31/2004	35
-----	-----	-----
non-aerosols	12/31/2004	5
Fabric or Leather Waterproofer:		
aerosol	12/31/2006	60
-----	-----	-----
liquid	12/31/2006	60
-----	-----	-----
other	12/31/2006	30

<u>pump spray</u>	<u>12/31/2006</u>	<u>60</u>
<u>solid</u>	<u>12/31/2006</u>	<u>30</u>
<u>Fabric Refresher:</u> <u>aerosol</u>	<u>12/31/2006</u>	<u>15</u>
<u>non-aerosol</u>	<u>12/31/2006</u>	<u>2</u>
Fabric Protectants	1/1/95 1/1/97	75 60
<u>Feminine Personal Hygiene</u>	<u>12/31/2006</u>	<u>55</u>
Floor Polishes/Waxes: products for flexible flooring materials	1/1/94	7
products for nonresilient flooring	1/1/94	10
wood floor wax	1/1/94	90
Floor Wax Stripper: non-aerosols	See Section 94509(jk)	
Foot Deodorant	<u>12/31/2006</u>	<u>55</u>
<u>Footware Care Product:</u> <u>aerosol</u>	<u>12/31/2006</u>	<u>12</u>
<u>foam</u>	<u>12/31/2006</u>	<u>1</u>
<u>semisolid</u>	<u>12/31/2006</u>	<u>15</u>
<u>liquid</u>	<u>12/31/2006</u>	<u>1</u>
<u>other</u>	<u>12/31/2006</u>	<u>1</u>
<u>pump spray</u>	<u>12/31/2006</u>	<u>1</u>
<u>solid</u>	<u>12/31/2006</u>	<u>50</u>
Furniture Maintenance Products: Aerosols	1/1/94 12/31/2004	25 17
all other forms (except solid/paste forms)	1/1/94	7
General Purpose Cleaners aerosols and non-aerosols:	1/1/94	10
non-aerosols	12/31/2004	4
General Purpose Degreasers: aerosols	1/1/2002	50

----- non-aerosols	12/31/2004	4
Glass Cleaners: aerosols	1/1/93	12
----- non-aerosols	1/1/93 1/1/96 12/31/2004	8 6 4
<u>Graffiti Remover</u>	<u>12/31/2006</u>	<u>30</u>
Hair Mousses	1/1/94 12/31/2002	16 6
Hair Shine	1/1/2005	55
Hair Styling Gels	1/1/94	6
<u>Hair Styling Product</u> aerosols non-aerosols	<u>12/31/2006</u> <u>12/31/2006</u>	<u>7</u> <u>0</u>
Hairsprays	1/1/93 6/1/99	80 55
Heavy-duty Hand Cleaners or Soap	1/1/2005	8
Insect Repellents: aerosols	1/1/94	65
----- <u>non-aerosol</u>	<u>12/31/2006</u>	<u>30</u>
Insecticides*: crawling bug (all forms):	1/1/95 1/1/98	40 20
----- aerosol crawling bug insecticides	12/31/2004	15
----- flea and tick	1/1/95	25
----- flying bug (all forms):	1/1/95	35
----- aerosols	12/31/2003	25
----- foggers	1/1/95	45
----- lawn and garden (all forms)	1/1/95	20
----- non-aerosol lawn and garden insecticides	12/31/2003	3
----- <u>wasp and hornet</u>	<u>1/1/2005</u>	<u>40</u>
=====	=====	=====
* See sections 94510(g) and 94510(k) for exemptions that apply		

to certain insecticides.		
Laundry Prewash: aerosols/solids	1/1/94	22
----- all other forms	1/1/94	5
Laundry Starch Products	1/1/95	5
Leather Care Product: aerosol	12/31/2006	50
----- semisolid	12/31/2006	1
----- liquid	12/31/2006	1
----- other	12/31/2006	1
----- pump spray	12/31/2006	1
----- solid	12/31/2006	1
Metal Polish/Cleanser	1/1/2005	30
Multi-purpose Lubricant: (excluding solid or semisolid products)	1/1/2003	50
Nail Coatings	12/31/2006	50
Nail Polish Removers	1/1/94 1/1/96 12/31/2004	85 75 0
Non-selective Terrestrial Herbicide: non-aerosols	1/1/2002	3
Oven Cleaners: aerosols/pump sprays	1/1/93	8
----- liquids	1/1/93	5
Paint Remover or Stripper	1/1/2005	50
Penetrant	1/1/2003	50
Personal Fragrance Products*: products with 20% or less fragrance	1/1/95 1/1/99	80 75
----- products with more than 20% fragrance	1/1/95 1/1/99	70 65
=====	=====	=====
* See sections 94510(h), 94510(j), and 94510(l) for exemptions that apply to personal fragrance products.		
Rubber and Vinyl Protectant: aerosols	1/1/2005	10
-----	-----	-----

non-aerosols	1/1/2003	3
Sealants and Caulking Compounds	12/31/2002	4
Shaving Creams	1/1/94	5
Shaving Gel	12/31/2006	3
Silicone-based Multi-purpose Lubricant: (excluding solid or semisolid products)	1/1/2005	60
Spot Remover: aerosols	1/1/2001	25
----- non-aerosols	1/1/2001	8
Tire Sealants and Inflators	12/31/2002	20
Toilet/Urinal Care: aerosol	12/31/2006	7
----- foam	12/31/2006	3
----- gel	12/31/2006	3
----- liquid	12/31/2006	3
----- other	12/31/2006	3
----- pump spray	12/31/2006	3
----- solid	12/31/2006	3
Topical Anti-Fungal: aerosol	12/31/2006	55
----- non-aerosol	12/31/2006	55
Undercoating: aerosols	1/1/2002	40
Wasp and Hornet Insecticide	1/1/2005	40
Wood Cleaner: aerosol	12/31/2006	17
----- non-aerosol	12/31/2006	4

¹ See section 94509(d)(e) for the effective date of the VOC standards for products registered under FIFRA, and section 94509(c) and (d) for the “Sell-through” allowed for products manufactured prior to the effective date of standards.

- ² See section 94510(c) for an exemption that applies to fragrances in consumer products, and section 94510(d) for an exemption that applies to LVP-VOCs.

(b) *Products that are diluted prior to use*

- (1) Except for Automotive Windshield Washer Fluids (Dilutable), f For consumer products for which the label, packaging, or accompanying literature specifically states that the product should be diluted with water or non-VOC solvent prior to use, the limits specified in subsection (a) shall apply to the product only after the minimum recommended dilution has taken place. For purposes of this subsection (b), “minimum recommended dilution” shall not include recommendations for incidental use of a concentrated product to deal with limited special applications such as hard-to-remove soils or stains.
- (2) For consumer products for which the label, packaging, or accompanying literature states that the product should be diluted with any VOC solvent prior to use, the limits specified in subsection (a) shall apply to the product only after the maximum recommended dilution has taken place.
- (3) For Automotive Windshield Washer Fluid (Dilutable) for which the label, packaging, or accompanying literature specifically states that the product should be diluted with water or non-VOC solvent prior to use, multiple dilution instructions may be specified for the purpose of complying with limits specified in subsection (a) for Type A areas and other areas in California respectively. The limits specified in subsection (a) shall apply to the product after the specified dilution pertaining to the applicable area in California has taken place.
- (c) *Sell-through of products.* Notwithstanding the provisions of Section 94509(a) or 94509(j)(k), a consumer product manufactured prior to each of the effective dates specified for that product in the Table of Standards may be sold, supplied, or offered for sale for up to three years after each of the specified effective dates. This subsection (c) does not apply to any consumer product which does not display on the product container or package the date on which the product was manufactured, or a code indicating such date.
- (d) *Notification of Sell-through of products.* For any product subject to 94509(c), the responsible party must notify distributors in writing of the date that the product can no longer be available for sale in California 6 months prior to the expiration of the sell-through periods. Distributors must also notify retailers in writing 3 months prior to the expiration of the sell-through periods.
- ~~(d)~~(e) *Products registered under FIFRA.* For those consumer products that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act, (FIFRA; 7 U.S.C. Section 136-136y), the effective date of the VOC standards specified in subsection (a) is one year after the date specified in the Table of Standards. For those consumer products that are registered under FIFRA, the three year period

provided in subsection (c) shall also begin one year after the date specified in the Table of Standards.

~~(e)~~(f) *Products containing ozone-depleting compounds.* For any consumer product for which standards are specified under subsection (a), no person shall sell, supply, offer for sale, or manufacture for sale in California any consumer product which contains any of the following ozone-depleting compounds:

CFC-11 (trichlorofluoromethane), CFC-12 (dichlorodifluoromethane),
CFC-113 (1,1,1-trichloro-2,2,2-trifluoroethane),
CFC-114 (1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane),
CFC-115 (chloropentafluoroethane), halon 1211 (bromochlorodifluoromethane),
halon 1301 (bromotrifluoromethane), halon 2402 (dibromotetrafluoroethane),
HCFC-22 (chlorodifluoromethane),
HCFC-123 (2,2-dichloro-1,1,1-trifluoroethane),
HCFC-124 (2-chloro-1,1,1,2-tetrafluoroethane),
HCFC-141b (1,1-dichloro-1-fluoroethane), HCFC-142b
(1-chloro-1,1-difluoroethane), 1,1,1-trichloroethane, and carbon tetrachloride.

~~(f)~~(g) The requirements of section 94509 ~~(e)~~(f) shall not apply to any existing product formulation that complies with the Table of Standards or any existing product formulation that is reformulated to meet the Table of Standards, provided the ozone depleting compound content of the reformulated product does not increase.

~~(g)~~ (h) The requirements of section 94509 ~~(e)~~(f) shall not apply to any ozone depleting compounds that may be present as impurities in a consumer product in an amount equal to or less than 0.01% by weight of the product.

~~(h)~~(i) *Requirements for charcoal lighter materials.* The following requirements shall apply to all charcoal lighter material products as defined in section 94508(a) ~~(26)~~ (Charcoal Lighter Material):

(1) *Regulatory Standards*

- (A) In all areas of California except the South Coast Air Quality Management District, no person shall sell, supply, or offer for sale after January 1, 1993 any charcoal lighter material product unless at the time of the transaction:
1. the manufacturer or distributor of the charcoal lighter material has been issued a currently effective certification pursuant to subsection ~~(h)~~(i)(2).
 2. the charcoal lighter material meets the formulation criteria and other conditions specified in the applicable Executive Order issued pursuant to subsection ~~(h)~~(i)(2).

3. the product usage directions for the charcoal lighter material are the same as those provided to the Executive Officer pursuant to subsection ~~(h)~~ (j)(2)(C).
- (B) In the South Coast Air Quality Management District, the regulatory standards specified in subsection ~~(h)~~ (j)(1)(A) shall be applicable upon the effective date of this subsection.
- (2) *Certification Requirements*
- (A) No charcoal lighter material formulation shall be certified under this subsection unless the applicant for certification demonstrates to the Executive Officer's satisfaction that the VOC emissions from the ignition of charcoal with the charcoal lighter material are less than or equal to 0.020 pound of VOC per start, using the procedures specified in the South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol, dated February 27, 1991 (the "SCAQMD Rule 1174 Testing Protocol"). The provisions relating to LVP-VOC in sections 94508(a)~~(80)~~(LVP-VOC) and 94510(d) shall not apply to any charcoal lighter material subject to the requirements of sections 94509(a) and ~~(h)~~ (j).
- (B) The Executive Officer may approve alternative test procedures which are shown to provide equivalent results to those obtained using the SCAQMD Rule 1174 Testing Protocol.

The application shall be in writing and shall include, at a minimum, the following:

1. the results of testing conducted pursuant to the procedures specified in SCAQMD Rule 1174 Testing Protocol.
2. the exact text and/or graphics that will appear on the charcoal lighter material's principal display panel, label, and any accompanying literature. The provided material shall clearly show the usage directions for the product. These directions shall accurately reflect the quantity of charcoal lighter material per pound of charcoal that was used in the SCAQMD Rule 1174 Testing Protocol for that product, unless:
 - i) the charcoal lighter material is intended to be used in fixed amounts independent of the amount of charcoal used, such as certain paraffin cubes, or
 - ii) the charcoal lighter material is already incorporated into the charcoal, such as certain "bag light," "instant light" or "match light" products.

3. For a charcoal lighter material which meets the criteria specified in subsection ~~(h)~~(j)(2)(B)2.i, the usage instructions provided to the Executive Officer shall accurately reflect the quantity of charcoal lighter material used in the SCAQMD Rule 1174 Testing Protocol for that product.
 4. Any physical property data, formulation data, or other information required by the Executive Officer for use in determining when a product modification has occurred and for use in determining compliance with the conditions specified on the Executive Order issued pursuant to section ~~(h)~~(j)(2).
- (C) Within 30 days of receipt of an application, the Executive Officer shall advise the applicant in writing either that it is complete or that specified additional information is required to make it complete. Within 30 days of receipt of additional information, the Executive Officer shall advise the applicant in writing either that the application is complete, or that specified additional information or testing is still required before it can be deemed complete.
- (D) If the Executive Officer finds that an application meets the requirements of this subsection ~~(h)~~(j) then he or she shall issue an Executive Order certifying the charcoal lighter material formulation and specifying such conditions as are necessary to insure that the requirements of this subsection ~~(h)~~(j) are met. The Executive Officer shall act on a complete application within 90 days after the application is deemed complete.

(3) Notice of Modifications

For any charcoal lighter material for which certification has been granted pursuant to subsection ~~(h)~~(j)(2), the applicant for certification shall notify the Executive Officer in writing within 30 days of: (i) any change in the usage directions, or (ii) any change in product formulation, test results, or any other information submitted pursuant to subsection ~~(h)~~(j)(2) which may result in VOC emissions greater than 0.020 pound of VOC per start.

(4) Revocation of Certification

If the Executive Officer determines that any certified charcoal lighter material formulation results in VOC emissions from the ignition of charcoal which are greater than 0.020 pound of VOC per start, as determined by the SCAQMD Rule 1174 Testing Protocol and the statistical analysis procedures contained therein, the Executive Officer shall revoke or modify the certification as is necessary to assure that the charcoal lighter material will result in VOC emissions of less than or equal to 0.020 pound of VOC per start. The Executive Officer shall not revoke or modify the prior certification without first affording the applicant for the certification an opportunity for a hearing in accordance with the procedures specified in Title 17, California Code of Regulations, Division 3,

Chapter 1, Subchapter 1, Article 4 (commencing with section 60040), to determine if the certification should be modified or revoked.

- (5) Notwithstanding any other provision of this subsection ~~94509(h)~~(j), charcoal lighter material products manufactured prior to January 1, 1993, may be sold, supplied, or offered for sale until July 1, 1994, in all areas of California except the South Coast Air Quality Management District. Charcoal lighter material products subject to SCAQMD Rule 1174 and sold, supplied, or offered for sale in the South Coast Air Quality Management District shall meet the requirements of section ~~94509(h)~~(j) upon the effective date of this subsection, regardless of the date on which the products were manufactured.

~~(i)~~ (j) *Requirements for aerosol adhesives.*

- (1) As specified in Health and Safety Code section 41712(h)(2), the standards for aerosol adhesives apply to all uses of aerosol adhesives, including consumer, industrial, and commercial uses. Except as otherwise provided in sections 94510, 94511, and 94514, no person shall sell, supply, offer for sale, use or manufacture for sale in California any aerosol adhesive which, at the time of sale, use, or manufacture, contains VOCs in excess of the specified standard.
- (2)(A) In order to qualify as a "Special Purpose Spray Adhesive" the product must meet one or more of the definitions specified in section ~~94508(a)(120)~~(Special Purpose Spray Adhesive), but if the product label indicates that the product is suitable for use on any substrate or application not listed in section ~~94508(a)(120)~~(Special Purpose Spray Adhesive) then the product shall be classified as either a "Web Spray Adhesive" or a "Mist Spray Adhesive."
- (B) If a product meets more than one of the definitions specified in section ~~94508(a)(120)~~(Special Purpose Spray Adhesive) for "Special Purpose Spray Adhesive", and is not classified as a "Web Spray Adhesive" or "Mist Spray Adhesive" under subsection (2)(A), then the VOC limit for the product shall be the lowest applicable VOC limit specified in section 94509(a).
- (3) Effective 1/1/2002, no person shall sell, supply, offer for sale, or manufacturer for use in California any aerosol adhesive which contains any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene, except than an aerosol adhesive manufactured before 1/1/2002 may be sold, supplied, or offered for sale until 1/1/2005, so long as the product container or package displays the date on which the product was manufactured, or a code indicating such date.
- (4) All aerosol adhesives must comply with the labeling requirements specified in section 94512(d), and all manufacturers and responsible parties for

aerosol adhesives must comply with the special reporting requirements specified in section 94513(d).

~~(j)~~(k) *Requirements for Floor Wax Strippers.* After an effective date of January 1, 2002, no person shall sell, supply, offer for sale, or manufacture for use in California any floor wax stripper unless the following requirements are met:

- (1) The label of each non-aerosol floor wax stripper must specify a dilution ratio for light or medium build-up of polish that results in an as-used VOC concentration of 3 percent by weight or less.
- (2) If a non-aerosol floor wax stripper is also intended to be used for removal of heavy build-up of polish, the label of that floor wax stripper must specify a dilution ratio for heavy build-up of polish that results in an as-used VOC concentration of 12 percent by weight or less.
- (3) The terms "light build-up", "medium build-up" or "heavy build-up" are not specifically required, as long as comparable terminology is used.

~~(k)~~(l) *Effective dates of the VOC limits for "Carburetor or Fuel-injection Air Intake Cleaners" and "Construction, Panel, and Floor Covering Adhesives."* The definitions for the product categories of "Carburetor or Fuel-injection Air Intake Cleaners" and "Construction, Panel, and Floor Covering Adhesives" were modified as part of the "Mid-term Measures II" rulemaking action that was considered by the Board in October 1999. As a result of these modifications, certain types of consumer products were included in these definitions that had not previously been included. For those consumer products that were included in these definitions for the first time as a result of the "Mid-term Measures II" rulemaking action, the VOC limits (in section 94509(a)) applicable to these newly included products shall not become legally effective until December 31, 2002.

~~(l)~~(m) *Automotive Windshield Washer Fluids.* The provisions of subsection 94509(b)(1) shall not apply to "Automotive Windshield Washer Fluid (Pre-Mixed)" as defined in section 94508(a) ~~(19)~~ (Automotive Windshield Washer Fluid).

NOTE: Authority cited: Sections 39600, 39601, 39659, 39666, and 41712, Health and Safety Code. Reference: Sections 39002, 39600, 39650, 39655, 39656, 39658, 39659, 39666, 40000, and 41712, Health and Safety Code.

94510. Exemptions

- (a) This article shall not apply to any consumer product manufactured in California for shipment and use outside of California.

- (b) The provisions of this article shall not apply to a manufacturer or distributor who sells, supplies, or offers for sale in California a consumer product that does not comply with the VOC standards specified in Section 94509, as long as the manufacturer or distributor can demonstrate both that the consumer product is intended for shipment and use outside of California, and that the manufacturer or distributor has taken reasonable prudent precautions to assure that the consumer product is not distributed to California. This subsection (b) does not apply to consumer products that are sold, supplied, or offered for sale by any person to retail outlets in California.
- (c) The VOC limits specified in Section 94509(a) shall not apply to fragrances up to a combined level of 2 percent by weight contained in any consumer product.
- (d) The VOC limits specified in Section 94509(a) shall not apply to any LVP-VOC.
- (e) The requirements of Section 94512(b) shall not apply to consumer products registered under the Federal Insecticide, Fungicide, and Rodenticide Act, (FIFRA; 7 U.S.C. Section 136/136y).
- (f) The VOC limits specified in Section 94509(a) shall not apply to air fresheners that are comprised entirely of fragrance, less compounds not defined as VOCs under Section 94508 or exempted under Section 94510(d).
- (g) The VOC limits specified in Section 94509(a) shall not apply to ~~air fresheners and~~ insecticides containing at least 98% paradichlorobenzene.
- (h) The VOC limits specified in Section 94509(a) shall not apply to:
 - (1) existing personal fragrance products or personal fragrance products in development on or before April 1, 1992, provided that both (i) the registration data specified in section 94513 is submitted for every such product by the date specified in section 94513(a), or prior to July 1, 1993, whichever date occurs later, and (ii) such product is sold in California prior to January 1, 1994. For the purposes of this subsection, a product "in development" means:
 - (A) a product which a fragrance materials manufacturer is designing at the request of a personal fragrance product manufacturer, or
 - (B) a product which is the subject of a written marketing profile or other documentation authorizing the creation and marketing of the product.
 - (2) Personal fragrance products in development may be registered to qualify for this exemption under hypothetical trade names or pseudonyms, provided that the actual trade name is supplied to the Executive Officer within 30 days of marketing such products, or January 1, 1994, whichever occurs first.

- (i) The VOC limits specified in Section 94509(a) shall not apply to adhesives sold in containers of 1 fluid ounce or less.
- (j) The VOC limits specified in Section 94509(a) shall not apply to any VOC which is a fragrance in a personal fragrance product.
- (k) The VOC limits specified in Section 94509(a) shall not apply to bait station insecticides. For the purpose of this section, bait station insecticides are containers enclosing an insecticidal bait that is not more than 0.5 ounce by weight, where the bait is designed to be ingested by insects and is composed of solid material feeding stimulants with less than 5 percent (%) active ingredients.
- (l) The 1/1/99 VOC limits specified in Section 94509(a) for personal fragrance products shall not apply to such products which have been sold in California prior to 1/1/99.

NOTE: Authority cited: Sections 39600, 39601, and 41712, Health and Safety Code.
Reference: Sections 39002, 39600, 40000, and 41712, Health and Safety Code.

94511. Innovative Products

- (a) The Executive Officer shall exempt a consumer product from the VOC limits specified in Section 94509(a) if a manufacturer demonstrates by clear and convincing evidence that, due to some characteristic of the product formulation, design, delivery systems or other factors, the use of the product will result in less VOC emissions as compared to:
 - (1) the VOC emissions from a representative consumer product which complies with the VOC limits specified in Section 94509(a), or
 - (2) the calculated VOC emissions from a noncomplying representative product, if the product had been reformulated to comply with the VOC limits specified in section 94509(a). VOC emissions shall be calculated using the following equation:

$$E_R = E_{NC} \times \text{VOC}_{STD} \div \text{VOC}_{NC}$$

where:

E_R = The VOC emissions from the noncomplying representative product, had it been reformulated.

E_{NC} = The VOC emissions from the noncomplying representative product in its current formulation.

VOC_{STD} = the VOC limit specified in 94509(a).

VOC_{NC} = the VOC content of the noncomplying product in its current formulation.

If a manufacturer demonstrates that this equation yields inaccurate results due to some characteristic of the product formulation or other factors, an alternative method which accurately calculates emissions may be used upon approval of the Executive Officer.

- (b) For the purposes of this section, “representative consumer product” means a consumer product which meets all of the following criteria:
 - (1) the representative product shall be subject to the same VOC limit in Section 94509(a) as the innovative product.
 - (2) the representative product shall be of the same product form as the innovative product, unless the innovative product uses a new form which does not exist in the product category at the time the application is made.
 - (3) the representative product shall have at least similar efficacy as other consumer products in the same product category based on tests generally accepted for that product category by the consumer products industry.
- (c) A manufacturer shall apply in writing to the Executive Officer for any exemption claimed under subsection (a). The application shall include the supporting documentation that demonstrates the emissions from the innovative product, including the actual physical test methods used to generate the data and, if necessary, the consumer testing undertaken to document product usage. In addition, the applicant must provide any information necessary to enable the Executive Officer to establish enforceable conditions for granting the exemption including the VOC content for the innovative product and test methods for determining the VOC content. All information submitted by a manufacturer pursuant to this section shall be handled in accordance with the procedures specified in Title 17, California Code of Regulations, Sections 91000-91022.
- (d) Within 30 days of receipt of the exemption application the Executive Officer shall determine whether an application is complete as provided in section 60030(a), Title 17, California Code of Regulations.
- (e) Within 90 days after an application has been deemed complete, the Executive Officer shall determine whether, under what conditions, and to what extent, an exemption from the requirements of Section 94509(a) will be permitted. The applicant and the Executive Officer may mutually agree to a longer time period for reaching a decision, and additional supporting documentation may be submitted by the applicant before a decision has been reached. The Executive Officer shall notify the applicant of the decision in writing and specify such terms and conditions that are necessary to insure that emissions from the product will meet the emissions

reductions specified in subsection (a), and that such emissions reductions can be enforced.

- (f) In granting an exemption for a product the Executive Officer shall establish conditions that are enforceable. These conditions shall include the VOC content of the innovative product, dispensing rates, application rates and any other parameters determined by the Executive Officer to be necessary. The Executive Officer shall also specify the test methods for determining conformance to the conditions established. The test methods shall include criteria for reproducibility, accuracy, sampling and laboratory procedures.
- (g) For any product for which an exemption has been granted pursuant to this section, the manufacturer shall notify the Executive Officer in writing within 30 days of any change in the product formulation or recommended product usage directions, and shall also notify the Executive Officer within 30 days if the manufacturer learns of any information which would alter the emissions estimates submitted to the Executive Officer in support of the exemption application.
- (h) If the VOC limits specified in Section 94509(a) are lowered for a product category through any subsequent rulemaking, all innovative product exemptions granted for products in the product category, except as provided in this subsection (h), shall have no force and effect as of the effective date of the modified VOC standard. This subsection (h) shall not apply to those innovative products which have VOC emissions less than the applicable lowered VOC limit and for which a written notification of the product's emissions status versus the lowered VOC limit has been submitted to and approved by the Executive Officer at least 60 days before the effective date of such limits.
- (i) If the Executive Officer believes that a consumer product for which an exemption has been granted no longer meets the criteria for an innovative product specified in subsection (a), the Executive Officer may modify or revoke the exemption as necessary to assure that the product will meet these criteria. The Executive Officer shall not modify or revoke an exemption without first affording the applicant an opportunity for a public hearing held in accordance with the procedures specified in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 1, Article 4 (commencing with Section 60040), to determine if the exemption should be modified or revoked.

NOTE: Authority cited: Sections 39600, 39601, and 41712, Health and Safety Code.
Reference: Sections 39002, 39600, 40000, and 41712, Health and Safety Code.

94512. Administrative Requirements

- (a) **Most Restrictive Limit.** Notwithstanding the definition of “product category” in

Section 94508 or 94501, if anywhere on the principal display panel of any consumer product, container of any consumer product, or on any sticker or label affixed thereto, or any sales or advertising literature authorized by the manufacturer or responsible party, any representation is made that the product may be used as, or is suitable for use as a consumer product for which a lower VOC limit is specified in Section 94509(a) or Section 94502(a)(2), then the lowest VOC limit shall apply. This requirement does not apply to general purpose cleaners.

- (b) **Code Product-Dating.** Each manufacturer of a consumer product subject to Section 94509 shall clearly display on each consumer product container or package, the day, month, and year on which the product was manufactured, or a code indicating such date. This date or code shall be displayed on each consumer product container or package no later than twelve months prior to the effective date of the applicable standard specified in Section 94509. The date of manufacture or code shall be displayed on the product container such that it is readily observable without removing or disassembling any portion of the product container or packaging. For the purposes of this subsection, information may be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging. No person shall erase, alter, deface or otherwise remove or make illegible any date or code-date from any regulated product container without the express authorization of the manufacturer. Products manufactured after January 1, 2005 may not use a code to indicate the date of manufacture.

The requirements of this provision shall not apply to:

- (1) personal fragrance products of 2 milliliters or less, which are offered to consumers free of charge for the purpose of sampling the product; or
 - (2) products containing no VOCs (as defined in section 94508), or containing VOCs at 0.10% by weight or less.
- (c) If a manufacturer uses a code indicating the date of manufacture, for any consumer product subject to section 94509 an explanation of the code must be filed with the Executive Officer of the ARB no later than twelve months prior to the effective date of the applicable standard specified in section 94509.
- (d) Additional Labeling Requirements for Aerosol Adhesives.
- (1) In addition to the requirements specified in subsections (a), and (b), and (c), both the manufacturer and responsible party for each aerosol adhesive product subject to this article shall ensure that all products clearly display the following information on each product container which is manufactured on or after 1/1/2002:
 - (A) The aerosol adhesive category as specified in section 94509(a) or an abbreviation of the category shall be displayed;

- (B)
 - 1. The applicable VOC standard for the product that is specified in section 94509(a), expressed as a percentage by weight, shall be displayed unless the product is included in an alternative control plan approved by the Executive Officer, as provided in Article 4. Section 94540-94555, Title 17, California Code of Regulations, and the product exceeds the applicable VOC standard;
 - 2. If the product is included in an alternative control plan approved by the Executive Officer, and the product exceeds the applicable VOC standard specified in section 94509(a), the product shall be labeled with the term "ACP" or "ACP product" ;
 - (C) If the product is classified as a special purpose spray adhesive, the applicable substrate and/or application or an abbreviation of the substrate/application that qualifies the product as special purpose shall be displayed;
 - (D) If the manufacturer or responsible party uses an abbreviation as allowed by the subsection 94512(d), and explanation of the abbreviation must be filed with the Executive Officer before the abbreviation is used.
- (2) The information required in section 94512(d)(1), shall be displayed on the product container such that it is readily observable without removing or disassembling any portion of the product container or packaging. For the purposes of this subsection, information may be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging.
 - (3) No person shall remove, alter, conceal, or deface the information required in section 94512(d)(1) prior to final sale of the product.

NOTE: Authority cited: Sections 39600, 39601, and 41712, Health and Safety Code.
 Reference: Sections 39002, 39600, 40000, and 41712, Health and Safety Code.

94513. Reporting Requirements

- (a) Upon 90 days written notice, the Executive Officer may require any responsible party or other company, firm, or establishment associated with selling, offering for sale, or manufacturing consumer products, including, but not limited to formulators, manufacturers, suppliers, parent companies, private labelers, distributors, and re-packagers, to report information for any consumer product or products the Executive Officer may specify including, but not limited to, all or part of the following information:

- (1) the company name, ~~of the responsible party and the party's~~ address, telephone number, and designated contact person;
- (2) any claim of confidentiality made pursuant to Title 17, California Code of Regulations, Section 91011;
- (3) the product brand name for each consumer product ~~subject to registration and upon request by the Executive Officer,~~ the product label;
- (4) the product category to which the consumer product belongs;
- (5) the applicable product form(s) listed separately;
- (6) an identification of each product brand name and form as a “ Household Product”, “ I&I Product”, or both;
- (7) separate California sales in pounds per year, to the nearest pound, and the method used to calculate California sales for each product form;
- (8) for ~~registrations~~ information submitted by ~~two~~ multiple companies, an identification of ~~the~~ each company which is submitting relevant data separate from that submitted by the responsible party. All ~~registration~~ information from ~~both~~ all companies shall be submitted by the date specified in Section 94513(a);
- (9) for each product brand name and form, the net percent by weight of the total product, less container and packaging, comprised of the following, rounded to the nearest one-tenth of a percent (0.1%):
 - (A) Total Table B Compounds
 - (B) Total LVP-VOCs that are not fragrances
 - (C) Total All Other Carbon-Containing Compounds that are not fragrances
 - (D) Total All Non-Carbon-Containing Compounds
 - (E) Total Fragrance
 - (F) For products containing greater than two percent by weight fragrance, but excluding “personal fragrance products”:
 - (i) the percent of fragrance that are LVP-VOCs, and
 - (ii) the percent of fragrance that are all other carbon-containing compounds
 - (G) For “personal fragrance products” , the density of the fragrance
 - (H) Total Paradichlorobenzene
- (10) for each product brand name and form, the identity, including the specific chemical name and associated Chemical Abstract Services (CAS) number, of the following:
 - (A) Each Table B Compound

(B) Each LVP-VOC that is not a fragrance

(11) if applicable, the weight percent comprised of propellant for each product;

(12) if applicable, an identification of the type of propellant (Type A, Type B, Type C, or a blend of the different types);

(b) In addition to the requirements of section 94513(a)(10), the responsible party shall report or shall arrange to have reported to the Executive Officer the net percent by weight of each ozone-depleting compound which is (1) listed in section 94509(e)(f) and (2) contained in a product subject to registration reporting under section 94513(a) in any amount greater than 0.1 percent by weight.

(c) All information submitted by ~~responsible parties~~ any company pursuant to Section 94513 shall be handled in accordance with the procedures specified in Title 17, California Code of Regulations, Sections 91000-91022.

(d) *Special Reporting Requirements for Aerosol Adhesives*

On or before March 31, 2004, all responsible parties for aerosol adhesives shall report to the Executive Officer the following information for products sold or offered for sale in California:

(1) data regarding product sales and composition for the year 2003, including the information listed in Section 94513(a), and any other information that the Executive Officer may specify; and

(2) a written update of the research and development efforts undertaken to achieve VOC limits lower than the limits specified in section 94509(a). The written update must include detailed information about the raw materials (solvents, propellants, resins, and polymers) and hardware (valves, actuators, cans) used in product reformulation, the testing protocols used, the results of the testing, and the cost of reformulation efforts.

(3) On or before December 31, 2003, the Executive Officer shall notify responsible parties in writing that they are to submit aerosol adhesive product and research data by March 31, 2004.

(e) *Special Reporting Requirements for Consumer Products that Contain Perchloroethylene or Methylene Chloride:*

(1) The requirements of this subsection shall apply to all responsible parties for consumer products that are subject to section 94509(a) and contain perchloroethylene or methylene chloride. For the purposes of this subsection, a product "contains perchloroethylene or methylene chloride" if the product

contains 1.0 percent or more by weight (exclusive of the container or packaging) of either perchloroethylene or methylene chloride.

- (2) For each consumer product that contains perchloroethylene or methylene chloride, the responsible party shall report the following information for products sold in California during each calendar year, beginning with the year 2000, and ending with the year 2010.
 - (A) the product brand name and a copy of the product label with legible usage instructions;
 - (B) the product category to which the consumer product belongs;
 - (C) the applicable product form(s) (listed separately);
 - (D) for each product form listed in (C), the total sales in California during the calendar year to the nearest pound (exclusive of the container or packaging), and the method used for calculating the California sales;
 - (E) the weight percent, to the nearest 0.10 percent, of perchloroethylene and methylene chloride in the consumer product;
- (3) The information specified in subsection 94513(e)(2) shall be reported for each calendar year by March 1 of the following year. The first report shall be due on March 1, 2001, for calendar year 2000. A new report is due on March 1 of each year thereafter, until March 1, 2011, when the last report is due.
- (4) Upon request, the Executive Officer shall make the perchloroethylene information submitted pursuant to this subsection available to publicly owned treatment works in California, in accordance with the procedures for handling of confidential information specified in Title 17, California Code of Regulations, sections 91000-91022.
 - (A) On or before July 1, 2002, the Executive Officer shall evaluate the information, along with data on influent and effluent levels of perchloroethylene as reported by publicly-owned treatment works personnel and any other relevant information, to determine if it is likely that publicly-owned treatment works are experiencing increased levels of perchloroethylene, relative to 1996 levels, that can be attributed to consumer products which contain perchloroethylene.
 - (B) If the Executive Officer determines that it is likely that increased perchloroethylene levels at the publicly-owned treatment works are caused by increased levels of perchloroethylene in consumer products subject to this regulation, then the Executive Officer shall, in conjunction with the publicly-owned treatment works and other appropriate parties, implement measures

which are feasible, appropriate, and necessary for reducing perchloroethylene levels at the publicly-owned treatment works.

NOTE: Authority cited: Sections 39600, 39601, 41511, and 41712, Health and Safety Code. Reference: Sections 39002, 39600, 40000, 41511, and 41712, Health and Safety Code.

94514. Variances

- (a) *Applications for variances.* Any person who cannot comply with the requirements set forth in Section 94509, because of extraordinary reasons beyond the person's reasonable control may apply in writing to the Executive Officer for a variance. The variance application shall set forth:
- (1) the specific grounds upon which the variance is sought;
 - (2) the proposed date(s) by which compliance with the provisions of Section 94509 will be achieved;
 - (3) a compliance report reasonably detailing the method(s) by which compliance will be achieved, and
 - (4) for applicants requesting a variance from the June 1, 1999, 55 percent VOC standard for hairspray products, the variance application shall also include a plan describing how the applicant will mitigate the excess VOC emissions that would be emitted during the period of the variance.
- (b) *Notices and public hearings for variances.* Upon receipt of a variance application containing the information required in subsection (a), the Executive Officer shall hold a public hearing to determine whether, under what conditions, and to what extent, a variance from the requirements in Section 94509 is necessary and will be permitted. A hearing shall be initiated no later than 75 days after receipt of a variance application. Notice of the time and place of the hearing shall be sent to the applicant by certified mail not less than 30 days prior to the hearing. Notice of the hearing shall also be submitted for publication in the California Regulatory Notice Register and sent to every person who requests such notice, not less than 30 days prior to the hearing. The notice shall state that the parties may, but need not be, represented by counsel at the hearing. At least 30 days prior to the hearing, the variance application shall be made available to the public for inspection. Interested members of the public shall be allowed a reasonable opportunity to testify at the hearing and their testimony shall be considered.
- (c) *Treatment of confidential information.* Information submitted to the Executive Officer by a variance applicant may be claimed as confidential, and such information shall be handled in accordance with the procedures specified in Title 17, California Code

of Regulations, Sections 91000-91022. The Executive Officer may consider such confidential information in reaching a decision on a variance application.

(d) *Necessary findings for granting variances.* No variance shall be granted unless all of the following findings are made:

(1) that, because of reasons beyond the reasonable control of the applicant, requiring compliance with Section 94509 would result in extraordinary economic hardship.

(2) that the public interest in mitigating the extraordinary hardship to the applicant by issuing the variance outweighs the public interest in avoiding any increased emissions of air contaminants which would result from issuing the variance.

(3) that the compliance report proposed by the applicant can reasonably be implemented, and will achieve compliance as expeditiously as possible.

(e) *Variance orders.* Any variance order shall specify a final compliance date by which the requirements of Section 94509 will be achieved. Any variance order shall contain a condition that specifies increments of progress necessary to assure timely compliance, and such other conditions that the Executive Officer, in consideration of the testimony received at the hearing, finds necessary to carry out the purposes of Division 26 of the Health and Safety Code.

(f) *Situations in which variances shall cease to be effective.* A variance shall cease to be effective upon failure of the party to whom the variance was granted to comply with any term or condition of the variance.

(g) *Modification and revocation of variances.* Upon the application of any person, the Executive Officer may review, and for good cause, modify or revoke a variance from requirements of Section 94509 after holding a public hearing in accordance with the provisions of subsection (b).

(h) *Special conditions in variance orders for hairspray products.*

In imposing conditions in variance orders granted from the June 1, 1999 55 percent VOC standard for hairspray products, the Executive Officer, in addition to any other conditions that may be imposed, shall require the applicant to mitigate the excess VOC emissions that would be emitted during the period of the variance. If this mitigation requirement would result in an extraordinary economic hardship to the applicant, or if other good cause exists, the Executive Officer may waive all or part of this requirement.

NOTE: Authority cited: Sections 39600, 39601, and 41712, Health and Safety Code.
Reference: Sections 39002, 39600, 40000, and 41712, Health and Safety Code.

94515. Test Methods

- (a)(1) Testing to determine compliance with the requirements of this article, shall be performed using Air Resources Board Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products, adopted September 25, 1997 and as last amended on (~~date July 18, 2001~~), which is incorporated herein by reference. Alternative methods which are shown to accurately determine the concentration of VOCs in a subject product or its emissions may be used upon approval of the Executive Officer.
- (2) In sections 3.5, 3.6, and 3.7 of Air Resources Board (ARB) Method 310, a process is specified for the “ Initial Determination of VOC Content” and the “Final Determination of VOC Content” . This process is an integral part of testing procedure set forth in ARB Method 310, and is reproduced below:

Sections 3.5, 3.6, and 3.7 of Air Resources Board Method 310

3.5 Initial Determination of VOC Content. The Executive Officer will determine the VOC content pursuant to sections 3.2 and 3.3. Only those components with concentrations equal to or greater than 0.1 percent by weight will be reported.

3.5.1 Using the appropriate formula specified in section 4.0, the Executive Officer will make an initial determination of whether the product meets the applicable VOC standards specified in ARB regulations. If initial results show that the product does not meet the applicable VOC standards, the Executive Officer may perform additional testing to confirm the initial results.

3.5.2 If the results obtained under section 3.5.1 show that the product does not meet the applicable VOC standards, the Executive Officer will request the product manufacturer or responsible party to supply product formulation data. The manufacturer or responsible party shall supply the requested information. Information submitted to the ARB Executive Officer may be claimed as confidential; such information will be handled in accordance with the confidentiality procedures specified in Title 17, California Code of Regulations, sections 91000 to 91022.

3.5.3 If the information supplied by the manufacturer or responsible party shows that the product does not meet the applicable VOC standards, then the Executive Officer will take appropriate enforcement action.

3.5.4 If the manufacturer or responsible party fails to provide formulation data as specified in section 3.5.2, the initial determination of VOC content under this section 3.5 shall determine if the product is in

compliance with the applicable VOC standards. This determination may be used to establish a violation of ARB regulations.

3.6 Determination of the LVP-VOC status of compounds and mixtures. This section does not apply to antiperspirant and deodorants or aerosol coating products because there is no LVP-VOC exemption for these products.

3.6.1 Formulation data. If the vapor pressure is unknown, the following ASTM methods may be used to determine the LVP-VOC status of compounds and mixtures: ASTM D 86-~~96~~ 03 (~~April 10, 1996~~), ASTM D 850-~~93~~ 03 (~~April 15, 1993~~), ASTM D 1078-~~97~~ 03 (~~July 10, 1997~~), ASTM D 2879-97 (~~April 10, 1997~~), as modified in Appendix B to this Method 310, ASTM D 2887-~~97~~ 02 (~~April 10, 1997~~) and ASTM E 1719-7 (~~March 10, 1997~~).

3.6.2 LVP-VOC status of “compounds” or “mixtures.” The Executive Officer will test a sample of the LVP-VOC used in the product formulation to determine the boiling point for a compound or for a mixture. If the boiling point exceeds 216°C, the compound or mixture is an LVP-VOC. If the boiling point is less than 216°C, then the weight percent of the mixture which boils above 216°C is an LVP-VOC. The Executive Officer will use the nearest 5 percent distillation cut that is greater than 16°C as determined under 3.6.1 to determine the percentage of the mixture qualifying as an LVP-VOC.

3.6.3 Reference method for identification of LVP-VOC compounds and mixtures. If a product does not qualify as an LVP-VOC under 3.6.2, the Executive Officer will test a sample of the compound or mixture used in a products formulation utilizing one or both of the following: ASTM D 2879-97, as modified in Appendix B to this Method 310, and ASTM E 1719-97, to determine if the compound or mixture meets the requirements of Title 17, CCR, section 94508(78)(A).

3.7 Final Determination of VOC Content. If a product’s compliance status is not satisfactorily resolved under sections 3.5 and 3.6, the Executive Officer will conduct further analyses and testing as necessary to verify the formulation data.

3.7.1 If the accuracy of the supplied formulation data is verified and the product sample is determined to meet the applicable VOC standards, then no enforcement action for violation of the VOC standards will be taken.

3.7.2 If the Executive Officer is unable to verify the accuracy of the supplied formulation data, then the Executive Officer will request the product

manufacturer or responsible party to supply information to explain the discrepancy.

3.7.3 If there exists a discrepancy that cannot be resolved between the results of Method 310 and the supplied formulation data, then the results of Method 310 shall take precedence over the supplied formulation data. The results of Method 310 shall then determine if the product is in compliance with the applicable VOC standards, and may be used to establish a violation of ARB regulations.

(b) VOC content determinations using product formulation and records. Testing to determine compliance with the requirements of this article may also be demonstrated through calculation of the VOC content from records of the amounts of constituents used to make the product pursuant to the following criteria:

- (1) Compliance determinations based on these records may not be used unless the manufacturer of a consumer product keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. These records must be kept for at least three years.
- (2) For the purposes of this section 94515(b), the VOC content shall be calculated according to the following equation:

$$\text{VOC Content} = \frac{B - C}{A} \times 100$$

where,

A = total net weight of unit (excluding container and packaging)

B = total weight of all VOCs, as defined in Section 94508(a), per unit

C = total weight of VOCs exempted under Section 94510, per unit

- (3) If product records appear to demonstrate compliance with the VOC limits, but these records are contradicted by product testing performed using ARB Method 310, the results of ARB Method 310 shall take precedence over the product records and may be used to establish a violation of the requirements of this article.
- (c) Determination of liquid or solid. Testing to determine whether a product is a liquid or solid shall be performed using ASTM D4359-90 (~~May 25, 1990~~), which is incorporated by reference herein.
- (d) Compliance determinations for charcoal lighter material products. Testing to determine compliance with the certification requirements for charcoal lighter material

shall be performed using the procedures specified in the South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (February 28, 1991), which is incorporated by reference herein.

- (e) Testing to determine distillation points of petroleum distillate-based charcoal lighter materials shall be performed using ASTM D86-90 03 (~~Sept. 28, 1990~~), which is incorporated by reference herein.
- (f) Fragrance content determinations for personal fragrance products. Testing to determine the percent by weight of fragrance in personal fragrance products shall be performed according to the Association of Official Analytical Chemists (AOAC) Official Method of Analysis No. 932.11, 1990, "Essential Oil in Flavor Extracts and Toilet Preparations, Babcock Method" (AOAC Official Methods of Analysis, 15th Edition, 1990), which is incorporated by reference herein.
- (g) No person shall create, alter, falsify, or otherwise modify records in such a way that the records do not accurately reflect the constituents used to manufacture a product, the chemical composition of the individual product, and any other test, processes, or records used in connection with product manufacture.

NOTE: Authority cited: Sections 39600, 39601, 39607, 41511, and 41712, Health and Safety Code. Reference: Sections 39002, 39600, 39607, 40000, 41511, and 41712, Health and Safety Code.

94516. Severability

Each part of this article shall be deemed severable, and in the event that any part of this article is held to be invalid, the remainder of this article shall continue in full force and effect.

NOTE: Authority cited: Sections 39600, 39601, and 41712, Health and Safety Code. Reference: Sections 39002, 39600, 40000, and 41712, Health and Safety Code.

94517. Federal Enforceability

For purposes of federal enforceability of this article, the Environmental Protection Agency is not subject to approval determinations made by the Executive Officer under Sections 94511, 94514, and 94515. Within 180 days of a request from a person who has been granted an exemption or variance under Section 94511 or 94514 an exemption or variance meeting the requirements of the Clean Air Act shall be submitted by the Executive Officer to the Environmental Protection Agency for inclusion in the applicable implementation plan approved or promulgated by the Environmental Protection Agency pursuant to Section 110 of the Clean Air Act,

42 U.S.C., Section 7410. Prior to submitting an exemption granted under Section 94511 as a revision to the applicable implementation plan, the Executive Officer shall hold a public hearing on the proposed exemption. Notice of the time and place of the hearing shall be sent to the applicant by certified mail not less than 30 days prior to the hearing. Notice of the hearing shall also be submitted for publication in the California Regulatory Notice Register and sent to the Environmental Protection Agency, every person who requests such notice, and to any person or group of persons whom the Executive Officer believes may be interested in the application. Within 30 days of the hearing the Executive Officer shall notify the applicant of the decision in writing as provided in Section 94511(f). The decision may approve, disapprove, or modify an exemption previously granted pursuant to Section 94511.

NOTE: Authority cited: Section 39600, 39601, 39602, and 41712, Health and Safety Code. Reference: Sections 39002, 39600, 39602, 40000, and 41712, Health and Safety Code.